The Journal of Parliamentary Information

VOLUME XI 1965/1887 SAKA

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Powers and Privileges of Legislatures in India

ADDRESS BY SARDAR HUKAM SINGH AT THE PRESIDING OFFICERS' CONFERENCE

[*The Thirtieth Conference of Presiding Officers of Legislative Bodies in India was held at Bombay for two days from January* 11, 1965, *with Sardar Hukam Singh, Speaker of Lok Sabha, in the Chair. We give below excerpts of the more important portions from the Chairman's address on the opening day of the Conference.*—Editor.]

FRIENDS,

I am glad to be in your midst once again and welcome all of you assembled here for the Conference. This Conference of ours I have come to value deeply. I have felt that when we have been here together we derive support from one another and return to our tasks reassured, with our faith renewed in ourselves in these somewhat difficult times.

SHRI KAUL'S NOBLE WORK

I am sure all of us are very much missing today the familiar figure of Shri M. N. Kaul, who has been the Secretary of the Conference ever since Independence and who by his wide knowledge of parliamentary institutions and procedures, deep understanding and constructive approach to problems has been of such immense help to us in our deliberations all these years. It was he who mooted the idea of a Secretaries' Conference to discuss matters of administration of legislature Secretariats and technical questions of procedure at the Secretaries' level. It was indeed our good fortune that during the period of transition and the initial difficult years following freedom we had an officer of his calibre, experience and vision at the Table in Parliament. I know all of us would like to record our appreciation of Shri Kaul's noble work in the cause of representative institutions in the country and his contribution and help at this Conference these many years.

I shall first briefly refer to some important procedural and other developments which may be of interest to you, before passing on to the main theme of my address today.

PARLIAMENTARY PRECINCTS SACROSANCT

Parliamentary precincts are regarded as sacrosanct and all of you must be aware of the historic tussle President Vithalbhai Patel had with the Executive in securing full control for the Speaker over the precincts of Parliament. I think there is now a uniform rule in almost all State Legislatures that no arrest shall be made within the precincts of the House without obtaining the permission of the Presiding Officer.

During the Budget session last year a case arose in Lok Sabha which revolved around the right of a member to remain in parliamentary precincts after the hours of sitting of the House. A Member of Lok Sabha approached me for permission to stay in the precincts of Parliament House as he apprehended arrest. I had no official intimation whether the member was wanted by the police. I called a meeting of Leaders of the Opposition groups at which it was agreed that the member might be allowed to remain in the

Parliament House building till 7 P.M. and thereafter outside in the lawns within the Parliamnet House estate. This provided an opportunity later in the House to members to express their views on the general question of giving shelter to members within the precincts of the House. After hearing all the views I gave my ruling, the main points of which were:

(1) A member can remain in the precincts of the House when the House is sitting and for a reasonable time before and after that. If a member wanted to remain there beyond the said period, he had to seek the Speaker's specific permission.

(2) Speaker may permit a member to remain outside the Parliament building in the lawns within the Parliament House estate if he had no official information that the member was wanted by police.

(3) Members should maintain dignity and should not take shelter within the precincts of the House in case they knew that they were wanted by the police authorities in any connection. Parliament House should not ordinarily be used as a sanctuary or a place of protection.

(4) Any permission given to a member to remain within the estate of Parliament House can be withdrawn by the Speaker at any time.

(5) A member permitted to remain in the estate of the Parliament House should not utilise the concession given to him to make a demonstration, as for example, by putting up a *charpoy*, table or chair in the lawns and collecting people there.

Now I come to an allied issue, namely, how far it is desirable on the part of members to utilise Parliament House for demonstrations, strikes or fasts. During the last session a member informed me of his intention to go on fast in the lobbies of the House as a protest against the food situation in a particular State. So far as the food situation was concerned, I asked the Minister concerned to make a statement but as regards the last to be undertaken in the lobby I ruled that precincts of the House should not be used by members for any demonstration, strikes or fasts. The Member could not at any rate have remained in the lobby as after the adjournment of the House the Chamber is for security reasons handed over to the police and no one is allowed to remain there. Fortunately, the member reached an understanding with the Government and left the lobby a little while after the adjournment of the House.

Calling Attention Notices

With the growing popularity of the 'Calling Attention' procedure with the members as a means of bringing to the notice of Government matters of urgent public importance and eliciting from the Minister a brief statement thereon in reply, a large number of notices for Calling Attention is now tabled by members of Lok Sabha daily. Naturally the number of notices that are admitted has grown considerably, but our rule does not permit raising of more than one matter at the same sitting. With this restriction it was clearly not possible to dispose of all the admitted notices quickly and any postponement of a matter of urgent public importance to later date robbed the procedure of its utility. To overcome such a situation it was decided that whenever it became necessary to allow more than one notice on the same day, one might be taken during the normal hours of sitting and one at 5 P.M. *i.e.* after the normal hours of sitting of the House.

The main factor which could make the Calling Attention notices popular and dissuade members from tabling adjournment motions was expeditious

decision on these notices. In cases where the facts of the matter raised in a notice needed confirmation, reference of the notice to the Minister concerned for a factual note became unavoidable. I had some difficulty in taking decision within a reasonable time in some cases owing to the Minister concerned taking a long time in furnishing the facts to me. This led to complaints from the members concerned. I have now directed that in the case of Calling Attention notices referred to Ministers for facts, the facts should be furnished by them within 24 hours and, where any delay was unavoidable, I should be informed.

Convention re: Adjournment of House on Demise of Minister/ Member

Till recently it was the practice in Lok Sabha that when a Cabinet Minister expired during the inter-session period, after the usual obituary reference on the opening day of the session, the House was adjourned without transacting any business. In the case of sitting members, however, the House was adjourned only where it was necessary to do so to enable members to take part in the funeral. As regards the obtiuary reference, it was usually made only by the Speaker on behalf of the whole House, though in exceptional cases the Prime Minister and leaders of Opposition groups also made references to the deceased.

It was represented to me that the practice of adjourning the House on the opening day of the session as a mark of respect to the memory of a Minister who had expired when the House was not in session needed reexamination. The matter was placed before the Business Advisory Committee and on its recommendation Lok Sabha agreed to the following procedure:

(1) The House should be adjourned only when it is necessary to do so in order to enable members to take part in the funeral of a sitting member irrespective of whether the deceased held the office of a Minister or not; and

(2) When a reference is made in the House to the passing away of a sitting or ex-member the leader of the Group or Party to which he belonged, and leaders (and in appropriate cases members) of other groups as well, if they so wished, might be allowed to make obituary reference within an overall time-limit of 15 to 20 minutes to be fixed by the Speaker.

Supreme Court Opinion

An event of great constitutional importance and far-reaching implications as regards the powers and privileges of Parliament and State Legislatures is the Opinion recently given by the Supreme Court on the Reference made by the President under Article 143 of the Constitution following the case in the Uttar Pradesh Vidhan Sabha. I need not recapitulate the facts of that case as they are well-known.

The Opinion of the Supreme Court on the President's Reference, as you are all aware, is not unanimous. The majority of the Judges, who constituted the Bench has, in effect, held that the powers and privileges conferred on Parliament and State Legislatures by Articles 105(3) and 194(3) of the Constitution respectively are subject to the fundamental rights and that even if the British House of Commons had, at the commencement of the Constitution of India, the privilege or power to

commit for its contempt by a general warrant, the Houses of Parliament and Legislatures in India do not have the privilege or power that their general warrants must be held to be conclusive. Mr. Justice A. K. Sarkar, in his minority opinion, on the other hand, has held that "the right to commit for contempt by a general warrant with the consequent deprivation of jurisdiction of the courts of law to enquire into that commital is a privlege of the House of Commons" and that in view of plain language of clause (3) of Article 194 of the Constitution "that privilege is possessed" by the Legislatures in India and "when a House commits a person for contempt by a general warrant that person would have no right to approach the Courts nor can the Courts sit in judgment over such order of commital." Mr. Justice Sarkar also held that "when there is a conflict between a privilege conferred on a House by the second part of Article 194(3) and a fundamental right, that conflict has to be resolved by harmonising the two provisions. It would be wrong to say that the fundamental right must have precedence over the privilege simply because it is a fundamental right or for any other reason." Be that as it may, for all practical purposes, the majority opinion is the Opinion of the Court and represents the interpretation of the Supreme Court on the relevant provisions of the Constitution.

Earlier Decisions

Before the present Opinion of the Supreme Court, the position had seemed to be clearly established by the judgments of the Supreme Court in the *Searchlight Case* (AIR 1959 S.C. 395), of the Assam High Court in the *Natun Assamiya's Case* (AIR 1958 Assam 160), and of the Bombay High Court in the case of *Homi Mistry* vs. *Nafisul Hasan* (ILR 1957 Bom. 218), that the privileges of the Legislatures were not subject to the fundamental rights. I may here recall only the following passage from the jugment of the Supreme Court in the *Searchlight Case*:

> "....It is said that the conditions that prevailed in the dark days of British history, which led to the Houses of Parliament to claim their powers, privileges and immunities, do not now prevail either in the United Kingdom or in our country and that there is, therefore, no reason why we should adopt them in these democratic days. Our Constitution clearly provides that until Parliament or the State Legislature, as the case may be, makes a law defining the powers, privileges and immunities of the House, its members and Committees, they shall have all the powers, privileges and immunities of the House of Commons as at the date of the commencement of our Constitution and yet to deny them those powers, privileges and immunities, after finding that the House of Commons had them at the relevant time, will be not to interpret the Constitution but to remake it.....
>
> In the second place, the fact that clause (1) has been expressly made subject to the provisions of the Constitution but clauses (2) to (4) have not been stated to be so subject indicates that the Constitution makers did not intend clauses (2) to (4) to be subject to the provisions of the Constitution....It does not, however, follow that if the powers, privileges or immunities conferred by the latter part of those Articles are repugnant to the fundamental rights, they must also be void to the extent of such repugnancy. It must not be overlooked that the provisions of Art. 105(3) and Art. 194(3) are constitutional laws and not ordinary laws made by Parliament or the State Legislatures and that, therefore, they are as supreme as the provisions of Part III."

Background to Arts. 105 *and* 194

If you go to the history of the provisions contained in Articles 105 and 194 of the Constitution, you will find that the intention has all along been that the Legislatures in India should have the same powers and privileges as are enjoyed by the British House of Commons, more particularly the privilege of committing for contempt by a general warrant without the scrutiny of the Courts.

Soon after the first Central Assembly came into existence in 1921, the first Speakers' Conference presided over by Sir Frederick Whyte, a former member of the House of Commons, was held in the same year. At that time, Sir Frederick Whyte stated:

> The whole question of 'privilege' in respect of the Legislatures in India was one of great importance....., the point being whether legal powers should be asked for to enable the Legislatures to punish contempts.

He further observed that since no privileges resembling those of the House of Commons had been statutorily conferred on Legislatures in India, they possessed no powers to punish contempts.

The matter was considered from time to time at the Conference of Speakers and ultimately in 1933, when the discussions on the Government of India Bill were taking place in the Parliament of the U.K., the Secretary of the Central Legislative Assembly was authorised by the Speakers' Conference to address a memorandum to the Clerk to the Joint Select Committee, House of Lords, London. Paragraph 4 of the memorandum stated as follows:

> The unanimous opinion of the Conference of Speakers was that the future Legislatures, both Central and Provincial, in India must be given the privileges, immunities and powers enjoyed by the House of Commons....The Conference felt that in order to achieve this object, it was essential that a section on the lines of Section 18 of the British North America Act, 1867 as subsequently amended by the Parliament of Canada Act, 1875, should be incorporated in the Constitution of India....For the purpose of the exercise and safeguarding these privileges and immunities, the Legislatures, both Central and Provincial, should be made a Court of Record to enquire into and punish contraventions of the Act.

The British Parliament, however, did not accept the proposals as will be apparent by a reference to Sections 28 and 71 of the Government of India Act, 1935.

The question was again taken up at the Speakers' Conference in 1938 and Sir Abdur Rahim, President of the Legislative Assembly, addressed a memorandum on the subject to the Government of India to be forwarded to the authorities concerned. Paragraph 5 of this memorandum stated as follows:

> The Conference were unanimously and emphatically of opinion that the Government of India should be requested to take immediate steps to get Sections 28 and 71 of the Government of India Act, 1935 amended so as to secure for the Central and Provincial Legislatures and the officers and members thereof all the powers and privileges which are held and enjoyed by the Speaker and members of the British House of Commons.

The question was again considered at the Speakers' Conference in January 1947, but further action was postponed in view of the declaration of the British Government on 20th February, 1947 to grant independence to India.

Subsequently, at the instance of Shri G. V. Mavalankar, President of the Constituent Assembly (Legislative), as far as the Centre was concerned, Section 28 of the Government of India Act was amended by an Adaptation Order dated 31st March, 1948. As adapted, S. 28(2) read as follows:—

> In other respects, the privileges of members of the Dominion Legislature shall be such as may from time to time be defined by Act of the Dominion Legislature and, until so defined, shall be such as were immediately before the establishment of the Dominion enjoyed by the Members of the House of Commons of the Parliament of the United Kingdom.

When the Speakers' Conference again met in 1950, Shri G. V. Mavalankar, as Chairman of the Conference, pointed out that a material change in the situa-

tion had been brought about by the enactment of the provisions of Articles 105 and 194 of the Constitution of India. These provisions placed the powers of Parliament and the State Legislatures on a completely equal footing with those of the House of Commons in the United Kingdom.

In his speech on these provisions in the Constituent Assembly, Dr. Ambedkar, who sponsored the constitutional provisions, stated as follows:

> Under the House of Commons powers and privileges, it is open to Parliament to convict any citizen for contempt of Parliament and when such privilege is exercised, the jurisdiction of the court is ousted. That is an important privilege....There is not the slightest doubt in my mind and I am sure also in the mind of the Drafting Committee that Parliament must have certain privileges, when the Parliament would be so much exposed to a calumny, to unjustified criticism that the parliamentary institution in this country might be brought down to utter contempt and may lose all the respect which parliamentary institutions should have from the citizens for whose benefit they operate.

U.P. Episode—Unfortunate

Now we might have a look into the Opinion of the Supreme Court. But before doing that we do need to have some introspection. A lot of patience and forbearance is needed to work the democratic institutions. All this unfortunate episode could have been avoided if the U.P. Legislature had exercised some restraint even when it believed, and quite rightly, that the High Court Bench at Lucknow had not exercised proper discretion in releasing Keshav Singh on bail. A chain of actions and reactions was set in, and what followed subsequently, has not brought credit to any side. I am glad Justice Sarkar put this whole affair in proper perspective. I cannot do better than quote his reference to this aspect, which he has done with beautiful clarity and balanced objectivity:

> Before I conclude, I must say that I feel extremely unhappy that the circumstances should have taken the turn that they did and that the reference to this Court by the President should have been rendered necessary. With a little more tact, restraint and consideration for others, the situation that has arisen could have been avoided. I feel no doubt that Beg and Saghal, JJ. would have dismissed the petition of March 19, 1964 after they had possession of the full facts. I regret that instead of showing that restraint which the occasion called for, particularly as the order of imprisonment challenged was expressly stated to have been passed by a body of the stature of the Assembly for contempt shown to it, a precipitate action was taken. No doubt there was not much time for waiting but Keshav Singh could not force the hands of the Court by coming at the last moment. The result of the order of the Hon'ble Judges was to interfere with a perfectly legitimate action of the Assembly in a case where interference was not justifiable and was certainly avoidable. On the other hand, the Assembly could have also avoided the crisis by practising restraint and not starting proceedings against the Judges at once. It might have kept in mind that the Judges had difficult duties to perform, that often they had to act on imperfect materials, and errors were, therefore, possible. It could have realised that when it placed the facts before the Judges, its point of view would have been appreciated and appropriate orders made to undo what had been done in the absence of full materials. Such an action of the Assembly would have enhanced its stature and prestige and helped a harmonious working of the different organs of the State.

Circumstances conspired themselves in such a manner that the opinion of the Supreme Court on the Reference could be announced only three days before the adjournment of Parliament on 3rd October, 1964. There was no time to have any discussion on the Opinion. But the inter-session period of about two months had been fully availed of by the parties interested and persons concerned with the result that the issues have been obscured and there is confusion. Symposia have been held, meetings convened and all this has created an impression that the Legislatures wanted to encroach upon the citizens' fundamental rights under

the Constitution, and the Supreme Court, as special protector of these rights, had come to the rescue of the citizens. Further warnings have been sounded that if Parliament amends the Constitution then it would be flouting the Judiciary, which is supreme, and eroding the fundamental rights, which are inviolable except to the extent provided in the Constitution. The Press has played its own part, and its attitude can be understood and appreciated.

It is only the Legislatures that have not expressed any opinions so far. I congratulate the Legislatures on exercising this restraint. Whenever there has been any reference to this Opinion inside any Legislature, be it a House of Parliament or a State, and whether the reference was during the Question Hour or during other debates, the indications have been clear that legislators are not united, but have emphasized different aspects. This gives me satisfaction that real democracy is working successfully in our country. Constitute a Legislature of 28 members, and let it discuss any resolution or motion. Various aspects would be considered and all opinions would be expressed. In judiciary it has been possible for 28 Judges to converge from different parts of a State, and declare unanimous decision on a question that concerned themselves.

No vested Interests for Legislators

Almost three years have elapsed, and only two remain in the life of the present Parliament and State legislatures, and that too if any legislature is not dissolved earlier. There cannot be any certainty about any of us being elected a member and then again chosen as a Presiding Officer. We have no inherited claims or vested interests. But, being in office, at the present time, when these issues have arisen, we do owe to ourselves, as well as to democracy and to our country some responsibilities to express ourselves how we feel about this Opinion. We do believe that the dignity and independence of the judiciary must be maintained. Its right to interpret the Constitution is unquestionable.

We never claim that the legislatures are infallible. We do not pretend that we are less fallible than the judiciary. We even yield to the claim that the Judges are less fallible than the politicians. But nothing is solved by these attitudes. The politicians have been known to make similar claims. The highest authority may err, but its decision is to be accepted because there is no remedy. Even in judiciary, when an appeal, review or revision is provided against a judgment, pleas have been taken, and in some cases decisions also recorded, holding that the judgment of a judge or a bench of judges, be they any number, is manifestly wrong or even absurd. The opinion of the supreme body is correct, because there is no higher authority to appeal to, and not because it is necessarily right. This correctness flows from finality, the finality is not the result of its correctness. If an appeal lay against this Opinion to any higher authority, it could be argued by lawyers, and even could be held by that authority that it was manifestly wrong in more than one respect. Honestly I believe that the Opinion is wrong in some respects and many arguments harnessed to support it are untenable and irrelevant.

Courts to Interpret Constitution—Not Remake it

It has been argued that in England, Parliament is sovereign; in India the Constitution is supreme. Nobody denies that. The same is the case as regards Supreme Court. It is the Constitution that is supreme and not the Supreme Court. It has to interpret the Constitution, and not to make it or rewrite it. If the words used in Art. 194(3) are clear and unambiguous then the ordinary meaning is to be given

to the language used, and nothing extraneous can be imported into the Article according to the whims and fancies of the interpreter. The language in Art. 194(3) is very clear, and leaves no doubt for any speculation. To the Supreme Court Judges in *Sharma's* case (1 SCB 806) also the meaning was plain. This judgment points at that "In dealing with the effect of the provisions contained in Cl. (3) of Art. 194, wherever it appears that there is a conflict between the said pro-provision and the provisions pertaining to fundamental rights, an attempt will have to be made to resolve the said conflict by the adoption of the rule of harmonious construction". This is unexceptionable. Similar attempts were made by the Supreme Court earlier, and even in the present Reference one has been made by Justice Sarkar, and the result has been harmony between the two wings, but the elaborate research by the majority now has created a conflict and disturbed harmony. In embarking upon this journey of making an attempt the Judges were at least conscious that their destination was conflict for they entered a caveat "what would be the result of the adoption of such a rule (of harmonious construction) we need not stop to consider at this stage."

Now by their construction the majority Judges have come to the conclusion that an ordinary citizen (not a member) has a right to seek redress from any High Court or the Supreme Court against any punishment for a contempt of legislature committed outside the House. This means that a citizen has a fundamental right which can be protected by the Judiciary. Would he lose that right of recourse to courts for protection as soon as he is elected a member of a Legislature! How amusing would that be! The privilege had so far been understood to mean, and is even now understood to imply some special right that a person or group of persons enjoy over and above those enjoyed by all others. But if a legislator is not given the protection that any citizen enjoys, privilege would mean an inhibition, a restriction or a deprivation of some right that every citizen possesses. The Supreme Court has not given its Opinion about a member of the Legislature. But would it be possible to conceive that a member does not enjoy the same rights as an ordinary citizen? When this question is considered the result is inescapable.

Keshav Singh's Conduct

Keshav Singh, in the present conflict, was to be administered a reprimand not only for the contempt committed outside the House. He was ordered to be imprisoned for the contempt committed by him by his letter to the Speaker and by his behaviour 'in view of the House'. Justice Sarkar has given the facts thus:

> He (Keshav Singh) was thereupon brought under the custody of the Marshal of the Assembly in execution of a warrant issued by the Speaker in that behalf and produced at the Bar of the House on March 14, 1964. He was asked his name by the Speaker repeatedly but he would not answer any question at all. He stood there with his back to the Speaker showing great disrespect to the House and would not turn round to face the Speaker though asked to do so. The reprimand having been administered, the Speaker brought to the notice of the Assembly a letter dated March 11, 1964, written by Keshav Singh to him.... The Assembly thereupon passed a resolution that 'Keshav Singh be sentenced to imprisonment for seven days for having written a letter worded in language which constitutes contempt of the House and his misbehaviour in view of the House'.....

From the facts it is manifestly clear that the sentence of imprisonment was awarded by the House for the objectionable letter by Keshav Singh to the Speaker and his contempt of the House inside the Chamber. As against this, the facts stated in the majority opinion

do not disclose how Keshav Singh behaved inside the House. "The contempt and breach of privileges in question arose because of a pamphlet which was printed and published and which bore the signature of Keshav Singh along with the signature of other persons". The Opinion records "In pursuance of the decision taken by the House later on the same day, the Speaker directed that the said Keshav Singh be committed to prison for committing another contempt of the House by his conduct in the House when he was summoned to receive the aforesaid reprimand and for writing a disrespectful letter to the Speaker of the House itself." The actual behaviour of Keshav Singh turning his back towards the Speaker, and refusing to answer anything was not considered worth mention. But even from these facts it becomes clear that imprisonment was given for 'his conduct in the House' and the 'disrespectful letter to the Speaker'. This imprisonment was not awarded only for the contempt committed outside the Chamber. Yet the High Court interfered in this order, and released Keshav Singh on bail.

This is no argument that there was only one day left, and the petition would have become infructuous if Keshav Singh had served the last day also. If that had happened he was himself to blame for not having come earlier. What is the effect of this interim order by the High Court? The balance of sentence of imprisonment of one day has in effect been remitted, for on prorogation of a House, the balance of the period of imprisonment lapses automatically. The Supreme Court has not evidently considered this aspect when it has held that Courts can pass interim orders and even release persons committed for contempt on bail.

The Supreme Court jealously guards its own right to punish for its own contempt. In its own case there is no infringement of the fundamental rights and the citizen has no remedy. He has to suffer silently even though he might feel that the order of punishment is not justified.

Indian Legislatures—to have status of Inferior Courts?

In Article 194(3) the same rights have been conferred on the Legislature, no less, no more. The Supreme Court has argued very laboriously that it is the right of the superior courts alone to punish for their contempt, and the person punished has no remedy. This can imply that the Supreme Court is of the view that Parliament and other legislatures must be reduced to the status of inferior courts. This Opinion concedes that legislatures have powers of courts to punish for contempt. If the Supreme Court had held that legislatures could not punish for their own contempts even, it could be understood. But to grant that they can punish for contempt, and thus can exercise the powers of courts, but only such restricted powers as are exercised by inferior courts, whose decisions on contempt are subject to review by higher courts is to reduce by means of a laboured judgment the legislatures and the Parliament to the status of an inferior court subject to the jurisdiction of the higher courts and particularly the Supreme Court.

It would be interesting to note what Justice Sarkar has to say in this connection:

> Our job is not to start an innovation as to privileges by our own researches. It would be unsafe to base these novel ideas on odd observations in the judgments in the English cases, torn out of their context and in disregard of the purpose for which they were made..... To base our conclusion as to the privileges on researches into antiquities, will furthermore be an erroneous procedure for the question is what the privileges of the House of Commons were recognized to be in 1950. Researches into the period when these privileges were taking shape can afford no answer to their contents

and nature in 1950. The question can be answered only by ascertaining whether the right under discussion was treated as a privilege of the House of Commons by authoritative opinion in England in the years preceding 1950.

Power to commit for contempt by General Warrant—An Important ingredient in Privilege

The authoritative opinion as to the privileges and powers of the House of Commons in England and Commonwealth Parliaments whose such privileges are identical is summed up by Lord Cairns, who delivered the judgment of the Privy Council in the case of the *Speaker of the Legislative Assembly of Victoria* vs. *Hugh Glass*, as under:

> beyond all doubt, one of the privileges —and one of the most important privileges of the House of Commons—is the privilege of committing for contempt, and incidental to that privilege, it has been well-established in England that the House of Commons have the right to be the judges themselves of what is contempt, and to commit for that contempt by a warrant, stating that the commitment is for contempt of the House generally, without specifying what the character of the contempt is.....Their Lordships consider that there is an essential difference between a privilege of committing for contempt such as would be enjoyed by an inferior Court, namely, privilege of first determining for itself what is contempt, then of stating the character of the contempt upon a warrant, and then of having that warrant subjected to review by some superior tribunal, and running the chance whether that superior tribunal will agree or disagree with the determination of the inferior Court, and the privilege of a body which determines for itself, without review, what is contempt, and acting upon the determination, commits for that contempt without specifying upon the warrant the character or the nature of the contempt..... The ingredients of judging the contempt, and committing by a general warrant, are perhaps the most important ingredients in the privileges which the House of Commons in this Country possesses; and it would be strange indeed if, under a power to transfer the whole of the privileges and powers of the House of Commons, that which would only be a part, and a comparatively insignificant part, of this privilege and power were transferred.

Mr. Seervai, while addressing the Maharashtra Assembly remarked "The majority opinion speaks of an objective approach, but does not show it. The minority opinion does not speak of it, but shows it." I entirely agree with this observation.

Language of Art. 194 *very plain*

The language of Art. 194(3) was very plain to Sarkar J, and to all other Judges of the Supreme Court who had considered this Article earlier, but it was not clear to the present majority delivering the opinion. On this point Sarkar J. observed: "I cannot imagine more plain language than this. The language can only have one meaning and that is that it was intended to confer on the State Legislatures the powers, privileges, and immunities which the 'House of Commons' in England had. There is no occasion here for astuteness in denying words their plain meaning by professing allegiance to a supposed theory of division of powers". This clinches the whole issue. There was no need to discuss in detail how and why the House of Commons got invested with these powers; how conflicts arose, how they were resolved in England; how the House of Commons fought these battles against the Stuarts; and how such enormous powers could be given to our legislatures or why should they be given at all when American Congress could do without them? These are all irrelevant discussions, and have only created confusion. Sarkar J. has well said in this connection: "It will not be profitable at all, and indeed I think it will be 'mischievous' to enter upon a discussion of that dispute for it

will only serve to make turbid, by raking up impurities which have settled down, a stream which has run clear now for years". The majority opinion entered upon that discussion, and so the apprehensions of Sarkar J. have been confirmed.

Supposing indeed the language of Art. 194(3) was not so plain to the majority, as it was to Sarkar J, or to other Judges of the Supreme Court earlier, then the search for the intention of the Constitution-makers was bound to be undertaken. In this search the majority opinion has explored all possibilities of what the intention could have been, and even undertaken upon itself the responsibility to say what it should have been, but only omitted to quote what the framers of the Constitution themselves said their intention actually was. It is strange that the majority of Judges did not consider it worthwhile to mention in their opinion what was intended by Dr. Ambedkar and Sir Alladi Krishnaswamy Iyer when they transplanted Art. 194(3) from the Australian Constitution. The intention of the Constituent Assembly was to oust the jurisdiction of Courts in contempt cases.

This Opinion has raised so many controversial issues, and at certain places the arguments are so involved that one wonders what to say keeping in view the respect we must show to our Courts. The arguments could go on endlessly, but no useful purpose would be served by such futile exercise.

High Traditions of Indian Legislatures

I am happy to say that the minority judgment has recognised that "during the fourteen years that the Constitution has been in operation, the Legislatures have not done anything to justify the view that they do not deserve to be trusted with power". The minority view further says that "though Art. 211 is not enforceable, the Legislatures have shown an admirable spirit of restraint and have not even once in these years discussed the conduct of Judges. We must not lose faith in our people, we must not think that the Legislatures would misuse the powers given to them by the Constitution or that safety lay only in judicial correction". I have no reason to believe that the Legislatures in this country will hereafter depart from this high tradition and the standards that have been achieved so far. If we have faith in democracy, we must entrust the chosen representatives of the people with the power necessary for them to conduct their affairs smoothly and in the best interest of the people and in accordance with the Constitution.

Procedural Safeguards in Privilege Cases

I think I may also say a few words about the procedure that we have adopted in Lok Sabha in dealing with privilege cases. I believe this is also the procedure followed in all State Legislatures. No privilege matter can come before the House unless the Speaker gives his consent. This rules out the possibility of a matter being brought before the House in a state of excitement and under the impact of passions. The Speaker reviews the whole thing coolly when he gives his consent that the matter can be brought before the House. Privilege matters are, as a rule, referred to the Committee of Privileges on which are represented all parties and shades of opinions and in which the Minister of Law and the rich legal talent available in the House are represented. The Committee go into the facts and the law bearing on the matter thoroughly and frame a list of points that tell against the person who is alleged to be guilty of contempt or breach of privilege. The Committee ensures that they have before them the answer of the person concerned to all the points that are likely to be made against him. There is, therefore, in our conventions and procedure full opportunity for the person con-

cerned to present his case before the Committee.

The report of the Committee is then presented to the House and where it is proposed to take any action on the Report, the whole matter is debated in the House. As Lord Kilmuir who was Lord High Chancellor of Great Britain pointed out, "in these debates it is as certain as anything can be that some member will raise any criticisms that can be made of the Committee's finding and that these will be present to the minds of the House before it comes to a final conclusion". I may emphasize that final decision in all privilege and contempt matter is taken by the House not by the Speaker or a Committee after full investigation and after giving all opportunities to the person against whom action is proposed to be taken to present his case. There are thus adequate safeguards and the rules of natural justice in the established procedure and no citizen need have any fear that his case will go unheard or that any action will be taken against him arbitrarily.

The crux of the whole thing is that we must express what we really want now, when this Opinion of the highest tribunal of the land is there. It may be an Opinion only. It may not be binding even. But then too we must show the utmost respect we can to our Judiciary. This Opinion has already corroded the privileges of the legislatures. Since that Opinion was announced there have been indications in the country that some people have felt encouraged to bring into contempt our Legislatures. We should never do anything which might in any way damage or impair the high exteem in which our Judiciary is held. We must try to enhance their prestige.

Original intention to be given effect

Now on the one hand there is the intention of the Constituent Assembly expressed, in unambiguous terms, by Dr. Ambedkar and Sir Alladi Krishnaswamy Iyer, and on the other hand, there is this Opinion whereby the construction put by the Supreme Court has compelled us to concede that the original intention is not warranted by the words of Art. 194(3). The utmost respect we can show to the Judiciary would be my bowing to the superior wisdom of the Judges, however much we might differ from them, and accept that intepretation. When that is done, then we have a right to declare that the wish that the original intention may be given effect to by suitable expressions in Art. 194(3). We do not ask for anything more, anything new.

It must be borne in mind that the Constitution is a composite one, a whole and well-balanced structure. There are checks and balances prescribed in the Constitution itself. If any particular wing is impaired or damaged, the whole balance would be upset. There was purpose and well-considered design in assigning particular powers to each wing. The framers of the Constitution had studied and knew very well the privileges, powers and immunities of the members of the Congress in U.S.A. and of the House of Commons in the United Kingdom. Knowingly and deliberately these framers conferred the privileges of U.K. as the whole structure was conceived and based on Parliamentary democracy of British pattern. To suggest that American Congress privileges might be enough for our Legislatures is, to say the least, simply fantastic. We are not asking for any favours from any one. No one can arrogate to himself the role of the King of England, the repository of all powers, who should consider what powers he is prepared to part with at a particular moment. We only desire that what was intended to be given by the Constitution-makers may be conceded as ours. If the language used in Art. 194(3) is inadequate to convey that intention, then that deficiency might be made up.

Working of the Estimates Committee

[*The third Conference of Chairmen of Estimates Committees was held at New Delhi for two days, on April 24 & 25, 1965. Shri Arun Chandra Guha, Chairman of the Estimates Committee, Lok Sabha, presided over the Conference. The Conference was inaugurated by Sardar Hukam Singh, Speaker of Lok Sabha. We reproduce below the more important portions from the inaugural address by the Speaker and the Chairman's address on the opening day of the Conference.*—Editor.]

SPEAKER'S ADDRESS

FRIENDS,

It is my very pleasant duty to accord to you a hearty welcome to the third Conference of the Chairmen of Estimates Committees. It would be recalled that at the Conference of Presiding Officers held at Patna in January, 1964 it was decided that such Conferences of Chairmen of Committees should be held once in the life-time of a Lok Sabha, *i.e.* once in five years. This Conference has been arranged in pursuance of the above decision.

CAREFUL REARING IN FORMATIVE YEARS

We all miss today the familiar figure of Shri M. N. Kaul, who retired last September after serving as Secretary of Lok Sabha ever since Independence. Amongst the varied and rich contributions made by Shri Kaul to Parliamentary institutions, special mention needs to be made of the great care and labour he devoted in the formative years of the Financial Committees to develop the technique of examination of non-official and official witnesses. He played a constructive role in helping to overcome the initial prejudice of Government departments and institutions to furnish detailed information to the Committee. In fact, this reluctance has been converted, over the years, into one of full co-operation in the common endeavour to improve efficiency and effect economy in Government organisations.

The procedures were correctly delineated by him from the very beginning and they have stood well the test of time. I think it was definitely a gain for the Estimates Committee to have its scope of work defined in wider terms by amplifying the definition of the term 'Policy', so as to draw a distinction between 'Policy' as laid down by Parliament and as settled by Government in the discharge of its executive functions.

Shri Kaul has been succeeded by Shri S. L. Shakdher with whose ability, scholarship and knowledge you are already familiar. He was intimately associated with the drafting of two important Reports of the Estimates Committee in the formative years namely, the one on Administrative, Financial and Other Reforms and the other on the Organisation and Administration of Nationalised Industrial Undertakings. These Reports set a high standard to be emulated during the years. His erudite paper on the working of the Two Estimates Committees of India and Britain bears testimony to his deep interest in the working of the Estimates Committee.

ROLE OF THE ESTIMATES COMMITTEE

As the interval between the presentation of the Budget and its passing by Parliament is short, it is obvious that

it is not possible for the House to study the budget thoroughly in this short duration. At best the House can only indicate and formulate certain broad policies in accordance with which the administration is to be carried on. Further, the legislative business before Parliament is so heavy that the House cannot devote sufficient attention to a detailed scrutiny of the budget. In order, therefore, to enable Parliament to properly scrutinise the expenditure that is incurred by Government, the system of Parliamentary Financial Committees has been evolved. The Estimates Committee is one of the important standing Committees of the Lok Sabha for exercising such control.

Conventions and Procedures

I would like to mention briefly some of the important developments from the point of view of procedure of Estimates Committee.

In the First Lok Sabha, a case arose where Government appointed a committee to examine a subject which was already under examination of the Estimates Committee. The following conventions have since been established in the matter of appointment of Government committees to consider matters already under examination by Estimates Committee and other Parliamentary Committees:

(i) (a) If any Ministry/Department proposes to set up a Committee to investigate or inquire into any matter, it should ascertain from the Lok Sabha Secretariat whether any Committee of Parliament is already engaged on an examination of the same matter;

(b) If a Committee of Parliament or a Sub-Committee thereof is already so engaged, no other Committee should be set up unless the appointment of such a Committee is clearly unavoidable in the public interest;

(ii) (a) Where the appointment of such a Committee is considered necessary, no Member of Parliament shall be appointed as a member of such a Committee except after previous consultation with the Parliamentary Committee already engaged in the examination of the matter, such consultation being made through the Lok Sabha Secretariat;

(b) The report of any Committee so set up should not be published without prior consultation with the said Parliamentary Committee through Lok Sabha Secretariat.

These conventions have had a healthy effect and Government have generally avoided setting up a Government Committee when the subject is under examination of the Estimates Committee. Where, however, Government consider that appointment of a committee to go into some aspects of the problem is urgently called for, they constitute the committee only after consultation with the Estimates Committee. Ordinarily, Government refrain from appointing any Member of Parliament to such a committee. In any case, Government have been making available the Report of Government Committee to the Estimates Committee for perusal before its publication. This has had the desirable effect of avoiding any controversy between Government and the Estimates Committee who may be simultaneously seized of the subject.

As soon as Members are elected to the Estimates Committee, they are required to give a declaration about their

membership of any existing committees appointed by Government. Each case is examined on merits and permission is generally given with the proviso that the Member would ensure that his work on the Estimates Committee does not suffer because of his membership of other Government committees. No Member, after his election to the Estimates Committee, may accept nomination to any committee appointed by Government without prior permission of the Speaker which is only given on the recommendation of the Chairman, Estimates Committee.

I have mentioned all these details with a view to underline the importance of preserving independence of the members of the Committee from Government influence and to ensure that chances of conflict and controversy between the Parliamentary Committees and Government are reduced to the minimum.

Another significant feature which I would like to bring to your notice is the presentation of the Reports of the Estimates Committee a few days before the Demands for Grants are due to come up for consideration in the House. This provides useful information to the Members who have been making increasingly skilful and purposeful use of this material while taking part in the discussions on the Demands for Grants for various Ministries.

Choice of Subjects

As Government departments and their activities are expanding at a very fast rate, it would be a very difficult task for the Committee to cover all aspects of Government activities. I would stress that a very judicious choice of subjects should be made and these should be gone into with great skill and penetration so as to focus light on important and significant aspects where economy can be achieved and efficiency enhanced.

Recommendations of the Committee

Government are conscious of the importance attached by the House to the recommendations of the Committee and there has been a marked tendency in recent years to accept as large a number as possible of the recommendations of the Estimates Committee. I am glad to find that in the case of a recent Report of the Committee, Government have accepted as many as 97 per cent of the recommendations.

This has been possible by adhering to the strict convention that nothing should find a place in the Report unless it has been put across to the Ministry either during oral evidence or asked by way of written information. There is also the salutory provision in our Rules that the Ministry should factually verify the Report before it is printed and presented to the House.

Strong Language to be Abjured

The aim of the Estimates Committee should be to make objective assessment and let the facts lead to the conclusion. I cannot too emphatically urge that strong language should be abjured in Estimates Committee Reports for their observations and recommendations now undisputably command the highest respect and consideration. The effort should be to make constructive and far-sighted suggestions which would improve the tenor, tone and working of Government departments and would, in general, result in economy and efficiency. Strong words defeat their own purpose for they unnecessarily import heat and controversy and cloud the merits of issue. After all, the Government as well as Parliamentary wing are engaged in a common endeavour—that of service to the nation.

I am glad to find that the Estimates Committee have been framing their recommendations with great care so as to command the largest consensus of opinion and leave no scope for dissent.

I cannot resist saying that the Committee will command respect for its recommendations to the extent to which it can eschew parochial and sectional interests and demonstrably show itself inspired by truly national interests.

Discussion of Report

As the Committee deals with great mass of details and technical matter, it has not been found workable to subject the Reports of Estimates Committee to debates in the House. It has been felt that the House should concern itself with major matters of policy and leave the details to be settled between the Committee and the Government.

The work that you do is not only useful so far as our administration is concerned, but it gives practical knowledge to the members—not in the Committee alone but in the House as well, on various aspects of administration. From your Reports, they are able to get so much of material for debates, deliberations and constructive suggestions.

HEALTHY TREND

I also welcome the appointment of a member other than a Minister as Chairman of the Estimates Committee of the Maharashtra Legislative Assembly. I think it is a very healthy trend. I am strongly of the opinion that if the work of the Estimates Committee is to be developed on independent lines, it is but necessary that Ministers should not be eligible either for membership of the Committee or for appointment as its Chairman.

CHAIRMAN'S ADDRESS

FRIENDS,

During the last two years, I have received a number of requests from my colleagues in the States Estimates Committees to convene a meeting of the Chairmen, Estimates Committees. I am very glad that the present meeting has been brought about and that we have an opportunity of exchanging views and deliberating on common problems. May I extend to you all a hearty welcome.

ROLE OF THE COMMITTEE

As you are aware, the Estimates Committee is one of the three Financial Committees of Parliament and it has always been treated with great respect both inside and outside the House. The Committee is, so to say, a microcosm of the entire House representing as it does every party and group in Lok Sabha. The main function of the Committee is to exercise a closer and stricter scrutiny of the working of the Government and its departments, on behalf of the Parliament which in its preoccupation with many legislative and formal matters, cannot exercise that close and strict scrutiny. We try to work and function as one team forgetting all our party affiliations. The recommendations express a common consensus of opinion and therefore we have been singularly fortunate in being free from any dissent or division on party lines in the Committee. This is also the reason why the Reports of the Estimates Committee are received with proper respect by the Ministries and the Departments of the Government. The team work approach, that has been evident in the functioning of the Estimate Committee, has been of great value to us.

METHOD OF WORK

Sub-Committees

We have been functioning through two sub-Committees—one on Defence

and the other on Statutory and other Government Bodies. There are, besides, three Study Groups dealing with original subjects and two with scrutiny of action taken by Government on the original Reports of the Committee.

Selection of Subjects

It is neither incumbent nor feasible for the Committee to examine the entire estimates of the Government in any one year. At the beginning of each financial year, the Estimates Committee make a selection of subjects, pertaining to diverse Ministries, whose estimates are to be examined.

The Estimates Committee have practically completed the first round of examination of important Ministries/Departments. Though the Committee would very much like to complete the second round of examination within five years, it is doubtful whether we can complete this work within this time in view of the vast increase in the activities of Government. We have, however, been taking great pains to select subjects which have topical interest and which have important bearing on the economy of the country. For example, we took up this year examination of the Department of Agriculture and have produced as many as 8 Reports dealing with the Indian Council of Agricultural Research and 9 other Central Agricultural Research Institutes. Another important subject taken up for examination is the Ports and Harbours on the Eastern coast including Calcutta, Haldia, Vishkhapatnam, Madras and Tuticorin. This examination covering 3 Reports has brought to light the fact that execution of planned schemes in these projects has been very slow with the result that nearly 50 per cent or more of the plan provision has been surrendered. We have also taken up for thorough examination each of the Zonal Railways starting with the strategic Northeast Frontier Railway. Other key sectors like Public Services and Directorate of Manpower, Central Universities have also been taken up. Two of the subjects of topical interest taken up for examination were Dandakaranya and New Migrants and these have evoked great interest amongst the members and country at large.

Preliminary Material

As a matter of procedure the Ministries concerned are asked to furnish necessary preliminary materials to the Committee. The Committee also request the leading non-official organisations and individuals having special knowledge of the subject to furnish memoranda. Representatives of the leading non-official organisations and other individuals, who have given useful memoranda, are called to tender evidence before the Committee in the Parliament House. The Committee appoints a number of Sub-Committees/Study Groups for intensive study of the subjects. They also divide themselves into zonal Study Groups for on-the-spot study of various institutions and establishments.

Study Tour

The Members, while on tour, also meet informally the representatives of the Chambers of Commerce and other representative non-official trade organisations and bodies, etc. which are concerned with the subject under examination of the Committee. It is usual for this purpose to call in advance memoranda from the Chambers of Commerce, non-official trade organisations and bodies etc. to serve as the starting point for informal discussion with them.

When the Committee/Sub-Committee/Study Group is on study tour, only informal sittings are held at the place of visit. At such sittings, neither evidence is recorded nor any decisions taken; but salient points coming up in these discussions are included in the study notes. Later, in the light of

these informal discussions and the memoranda and other information received, non-official and official witnesses are invited to give evidence at formal sittings of the Estimates Committee held in Parliament House, New Delhi. A comprehensive questionnaire is drawn up in advance for this purpose so that the discussion may be purposeful.

Evidence

When we examine the Ministries concerned, we not only have before us the highest officials of the particular Ministry, but also the representative of the Finance Ministry dealing with that particular Ministry. Every effort is made to put at ease the official representatives of the Ministries when they appear before the Committee in order to elicit their co-operation in the common endeavour to locate problems of importance and find constructive solutions to them. It has been our very happy experience in Lok Sabha that the official representative of the Ministries invariably show a respectful and co-operative attitude to the Committee and the result is that the discussion is in a cordial atmosphere of give and take. It is not an uncommon experience for a Secretary or Head of Department to frankly admit during examination that there has been a lapse on the part of his Department and that immediate action is called for. The Committee have found that, true to this undertaking, action is initiated in most cases on the right lines even while the examination is proceeding and before the Report is presented to the House.

People's Approach

We have been very lucky that Members of the Committee have been evincing keen interest in the discussions and deliberations of the Committee. After the leading questions have been put by the Chairman to the witness, an opportunity is given to the Convener of the Study Group concerned with the subject and other Members to elicit further information by way of supplementaries. This has proved very useful in not only sustaining interest of the Members but also in ensuring comprehensive coverage of the subject. It is true that Members may not have very detailed knowledge, particularly of the technicalities of the subject but their basic approach, based on their intimate contact with the people and their problems, is penetrating and purposeful. The approach of the Estimates Committee representing all sections of the House is essentially the people's approach and implies judgment of sound common-sense.

After the Report is adopted by the Committee, it is sent to the Ministry for factual verification. This has the great advantage of ensuring that the basic facts and premises on which the Estimates Committee are basing their Report are fully verified and there can be no controversy at a later date on this account. This is a notable advance on the procedure followed in the United Kingdom. It is usual for the Ministry to restrict their comments at this stage to factual details only but where the Ministry supply additional facts and figures which have a bearing on the recommendations made by the Committee, the matter is placed before the Committee for consideration and decision.

Reports—Well-timed

Presentation of Original Reports to Lok Sabha is so timed that it is in the hands of M.Ps. a few days before the discussions on the Demands for Grants relating to the Ministry concerned is taken up. This enables the members to draw upon the Estimates Committee's Reports in the budget discussion.

Implementation of Recommendations

After the Report has been presented to the House, the Ministry or De-

partment concerned is required to take action on the various recommendations and conclusions contained in the Report. Government accept as many recommendations of the Committee as possible but where they are not in a position to implement a recommendation, they furnish detailed reasons therefor. The Estimates Committee appoint Study Groups for examining the action taken by Government on their recommendations. The Study Group after a thorough scrutiny which may include calling of such further information as considered necessary, classify the replies received under the following four heads:

Recommendations—

(i) accepted by Government;

(ii) which the Committee do not desire to pursue in view of the Government's reply;

(iii) on which replies of Government have not been accepted by the Committee;

(iv) on which final replies of Government are still awaited.

Incidentally, it may be mentioned that a large percentage of the recommendations of the Estimates Committee are accepted by the Government. In some cases, the percentage is as high as 97. On an average, we can say that not less than 75 per cent of the recommendations are accepted by the Government. The present convention is that the Government accept all the recommendations unless they can convince the Committee in the Action-taken stage, of the cogency of their contention against any particular recommendation.

Even after the Public Undertakings have been taken out of the Estimates Committee, there are about 125 autonomous bodies like Tea Board, Khadi and Village Industries Commission, Dock Labour Boards, which are still being examined by the Estimates Committee. We have appointed a Sub-Committee known as 'Sub-Committee on Statutory and other Government Bodies, to examine these Bodies.

Procedural Points

Sometimes, it happens that some aspects of the subject taken up for examination concern more than one Ministry. For example, when the Estimates Committee took up in 1963-64 examination of the Ministry of International Trade (now called Ministry of Commerce) it was found that the Ministries of Industry, External Affairs and Finance were vitally concerned with the working inasmuch as the Ministry of Industry and Supply (Directorate of Technical Development) gave clearance for import licences, Ministry of External Affairs were concerned with the work of commercial attaches and counsellors in boosting up India's exports and the Ministry of Finance were concerned with the utilisation of foreign loans and aid and the impact of export incentives on general economy. In the circumstances, the Committee requested the Secretary, Ministry of International Trade, to arrange for representatives of the Ministries of Industry, External Affairs and Finance to be present at the time evidence of official representatives was taken on the subject.

Similarly, while considering the problem of new migrants from East Pakistan, the Ministry of Rehabilitation were asked to arrange for the presence of the representatives of the Ministries of External Affairs and Home Affairs which are responsible for issuing migration certificates and regulating entry of migrants into India so that evidence of official representatives could cover all aspects of the problem.

A circular letter has also been issued to the Ministries/Departments that all

papers required to be supplied to the Committee either as preliminary material or in response to questions should be sent under the signatures of the Secretary to the Ministry/Head of the Department so that there is no confusion at a later stage about the authenticity of the information supplied to the Committee.

The Ministries/Departments under examination are specifically requested to restrict to the minimum the number of officials required to assist the Secretary or Head of the Department tendering evidence before the Committee so as to cause least disturbance to the normal working of the Ministry/Department.

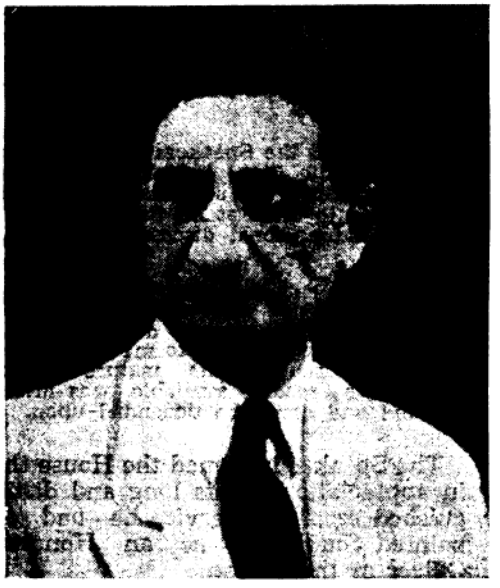
To sum up, the Estimates Committee Reports provide guidance and suggestions to the Government and constructive criticism and ideas to the Members. They also help to build up informed public opinion both inside and outside the House which is the *sine qua non* of Parliamentary Democracy.

Legislative control is not an end in itself; it is most salutary when it strengthens rather than supplants executive direction.

JOSEPH P. HARRIS in *Congressional Control of Administration*

Retirement of Shri M. N. Kaul

Tributes in Lok Sabha



M. N. KAUL

Shri M. N. Kaul, Secretary to Lok Sabha, retired from the service of the House as from 1st September, 1964. Shri S. L. Shakdher who was Joint Secretary for over 11 years, succeeded him at the Table.

Shri Kaul was associated with the House for 27 years. An Economics Tripos from Cambridge, Shri Kaul was, later, called to the Bar from the Middle Temple. He practised for nearly a decade before the Allahabad High Court and was the Editor of the Allahabad Law Journal during the years 1931—37. Shri Kaul joined the Legislative Assembly Department as a Deputy Secretary in September 1937. He officiated as Secretary from 1943 till 1947 in the Central Assembly and was appointed Secretary in July 1947.

With a Parliament which was sovereign under the new Constitution, two tasks came to be of primary importance—the building up of an efficient Secretariat and the evolving of sound procedures. These tasks he accomplished with great vision and singular dedication.

Shri Kaul's vision was not limited to the Parliament at the Centre. He conceived of Parliament and the various State Legislatures in the country as constituting one "Grand Parliament of India". He zealously worked to build up a common found of experience on

S. L. SHAKDHER,

which all the Legislatures in the country could draw upon. By his constant guidance to his counterparts in the States on their many procedural and administrative problems he helped the State Legislatures to grow in the image of Parliament. He took a leading part in the annual Conference of Presiding Officers and was the inspiration behind the institution of Secretaries Conference.

Shri Kaul was a familiar figure in Inter-Parliamentary circles. He was Secretary of the Indian Parliamentary Group (affiliated to the Inter-Parliamentary Union and the Commonwealth Parliamentary Association) and from 1950—56 was a member of the Executive Committee of the Association of Secretaries-General of Parliaments. On behalf of this body, he undertook an inquiry into, and submitted a very valuable report on, the extent of independence of Legislature Secretariats from the Executive, in the various world Parliaments.

Announcing the retirement of Shri Kaul in Lok Sabha, when it assembled on September 7, 1964 for the Autumn Session, Speaker Sardar Hukum Singh *inter alia* observed:

> His tenure of office was marked by many transitions and changes, constitutional and procedural. In all these matters, he tendered sound advice to the Speaker and helped in moulding the constitutional provisions relating to Parliament and the Rules of Procedure on modern lines. He helped and guided the Committees of this House, particularly during the initial stages.
>
> Not only did he advise the Speaker and the Committees, but his advice was equally available to every Member of the House, to whichever group he belonged. He gave always sincere and sound advice.
>
> After independence he was responsible for reorganizing and expanding the Secretariat of this House to give prompt and efficient service to the Members.
>
> He was responsible for organising the Commonwealth Parliamentary Conference in Delhi in 1957 which won high praise from all. He accompanied several parliamentary delegations to the Conferences of the Inter-Parliamentary Union and the Commonwealth Parliamentary Association and other Goodwill Parliamentary Delegations and gave good advice on complicated matters. He was elected to the Executive Committee of the Association of Secretaries General of Parliaments and submitted to that body valuable reports on several aspects of parliamentary procedure and secretariat administration.
>
> He helped the Speakers and the Secretaries of the State Legislatures in their problems and his services were readily available to them at all times in Conferences and personal discussions.
>
> His has been a distinguished record of devoted service and unflinching loyalty. His vast experience and deep knowledge were of immense help to me since I took over as Speaker. His mature advice, always so readily available, was always sound and could be depended upon.

The Speaker informed the House that in appreciation of his long and distinguished record of service he had appointed Shri Kaul as an Honorary Officer of the House.

Endorsing 'wholeheartedly' the tribute paid by the Speaker, the Prime Minister Shri Lal Bahadur Shastri said:

> Shri Kaul was a familiar and friendly figure for all of us; he was the first Secretary of Lok Sabha after our Independence. He helped in building up high traditions and healthy conventions in parliamentary work..... He was a devoted officer and made a valuable contribution throughout his service..... Indeed, I and the Government feel thankful to him for the service he has rendered and we all wish him well.

All sections of the House joined in the tribute to the retired Secretary. Shri M. R. Masani (Swatantra) referred to "the efficiency and the great sense of fairness" of Shri Kaul and his

colleagues in the Secretariat. Shri A. K. Gopalan (Communist-Marxist Leninist) recalled how "the members of the Opposition—particularly myself—who were here in the first Parliament had been very much helped by the Secretary". Shri U. M. Trivedi (Jan Sangh) thought of him "as one who always gave the most dispassionate advice" to any Member who approached him. Shri H. V. Kamath (Samyukta Socialist Party), who felt some difficulty over the absence of provision in the Constitution for the appointment of an Honorary Officer, was quick enough to add that Shri Kaul had "rendered great service to the House and I would not mind if the Constitution is amended for this purpose". Shri H. N. Mukerjee (Communist) appreciated the step as "a token of appreciation of the work which Shri Kaul has been doing for so long for all of us".

It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect; their business unremitted attention....

But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

EDMUND BURKE *on his election as Member of Parliament for the city of Bristol*

Right of Members to quote from Secret Documents or lay Copies thereof on the Table

SPEAKER'S RULING IN LOK SABHA

On February 22, 1965, during discussion on the Motion of Thanks on the President's Address in Lok Sabha, a Member (Shri H. V. Kamath) referred to a Report submitted by the Central Bureau of Investigation to the Government re: certain allegations made against ex-Chief Minister and some Ministers of Orissa. When the Member started quoting passages from the Report, a point was raised that the Member was not entitled to quote from a secret document which was in the custody of Government and had not been made public. In this connection, the Minister of External Affairs (Shri Swaran Singh) submitted:

> This is a matter which requires consideration. If secret documents or confidential documents are quoted on the floor of the House, then perhaps it will not be a healthy practice. It will be that somebody may just produce something and then it will be for the Government either to confirm it or contradict it.*

The Deputy Speaker, who was then in the Chair, observed:

> He (Shri Kamath) says it is the CBI Report and he quotes from that. If you want me to ask him to place it on the Table I can do that but I cannot rule it out of order.....I cannot shut him out when he quotes from the report. I do not know how he got that report..... If the Government so desires, I will ask him to place it on the Table.....†

Shri Kamath then quoted several extracts from the CBI Report and Cabinet Sub-Committee Report on the Orissa affairs.

Later, on the same day, the Prime Minister made a statement regarding allegations made against some Chief Ministers and other Ministers of State Governments and in the course of the statement referred also to the findings of the Cabinet Sub-Committee on Orissa Ministers. While asking a clarificatory question on this occasion, a Member (Shri P. K. Deo) wanted to quote from the CBI report. When the Speaker questioned his right to quote from a document which could not be expected to be with him. Thereupon points were raised by several members as regards the right of a member to quote from secret documents in the House. The Speaker promised to consider the matter in all its aspects and give his ruling on a later day.

In the meanwhile, on February 23, in reply to members' enquiries, the Speaker observed that, till he gave his ruling in the matter, members could refer only to those portions of the documents which Shri Kamath had alreary quoted and not any other.

On February 26, 1965, before the Speaker gave his ruling, the Minister of Law (Shri Asoke Sen) in his statement on behalf of the Government opposed the idea of the laying of the documents in question on the ground that they had not come in the possession of the Members in the normal course. Under Rule 369(1), the Minister pointed out, a paper laid on the Table was

*LS Deb., 22-2-1965 cc 748-49.

†Ibid. cc 749-51

required to be authenticated and such authentication, he urged, could be done only by those responsible for making the document or under whose supervision and care the document had been prepared.

RULING

The Speaker then gave his ruling as follows:

On February 22, 1965, when Shri P. K. Deo started his question on the Prime Minister's statement, he observed, 'I quote' and then proceeded to quote. I enquired "Where are you quoting from?" He said, "From the CBI Report." I questioned his right to quote from a document which could not be expected to be with him.

CBI is an agency of the Central Government to make enquiries into cases entrusted to it, and make reports to Government. The Government then takes decisions on the issues. In the present case, certain complaints received by Government were passed on to the CBI for investigation and report. The CBI has done that. The Government has taken decision and that was announced by the Prime Minister.

The Issues

The issues before us are:

(1) Whether any member can quote from a document that is treated by the Government as secret or confidential, whose disclosure Government resists in public interest?

(2) Whether such an enquiry and report can be withheld by Government, when there is a demand by members to place it on the Table of the House?

(3) Whether a document, copies of which have been circulated among members, and whose excerpts have appeared in the newspapers also, can still be treated as secret and confidential?

(4) Whether Government can be compelled to admit or deny the correctness of any alleged copy of such document, which is classified as secret or confidential?

(5) Whether a member can suddenly spring a surprise on the Speaker, the House and on the Government by quoting from some copy, which he might have got from some source, which he is not prepared to disclose, when the Government treats the original as secret or confidential and is not prepared to lay on the Table?

(6) Such copies, if found true, can be obtained through leakage or stealth, or in an irregular manner. Whether a member has an absolute right to refer to any such copy or his freedom can be controlled in the public interest or for security of the country?

Freedom of speech in the House

Unquestionably a member has right of freedom of speech, which includes reference to any paper, document, book or publication, and no action can be taken against him by any outside authority or agency. But this freedom is not absolute in the sense of license. A member has to exercise great restraint, and first satisfy himself that the document he holds in his possession is a genuine one. Further proper checks

are to be exercised by the Speaker in accordance with the provisions of the Constitution and the Rules made thereunder.

> Speech and action in Parliament may thus be said to be unquestioned and free. But this freedom from external influence or interference does not involve any unrestrained license of speech within the walls of the House. (Anson, Volume I, Parliament, Page 170).

The Official Secrets Act

During the course of discussion on the point on February 22, 1965, Shri Ajit Prasad Jain said that "Issue before the House was whether it was in the public interest for a Member to make use of an information received illegally and which constituted an offence under the Official Secrets Act."

I have looked into the practice in the House of Commons in the United Kingdom and I cannot do better than quote from the Report of the Select Committee on the Official Secrets Acts in the House of Commons which examined a similar matter:

> Your Committee are of opinion that disclosures by members in the course of debate or proceedings in Parliament cannot be made the subject of proceedings under the Official Secrets Acts.

This is based on the fundamental privilege of the member that he has freedom of speech in the House. Since our Constitution has also conferred a similar privilege on the members of this House, it is quite clear that by quoting from a secret or confidential document or placing a copy thereof on the Table of the House, the member will not commit any offence under the Official Secrets Act.

In this connection I may also draw the attention of the members to a further paragraph in that Report, which reads as follows:

> The House of Commons has disciplinary powers over its members, and a member who abuses his privilege of speech may be punished, not merely by suspension from the service of the House, but by imprisonment or expulsion from the House or both. Expulsion at least cannot be considered a light penalty. It is not so much on penal sanctions, however, that your Committee would desire to rely for the prevention of abuses of parliamentary privilege prejudicial to the safety of the realm, as on the good sense of members themselves, who are as much concerned as ministers to prevent such abuses.

Rules of Procedure

Article 105(1) of the Constitution lays down that "subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament."

Rule 368 of the Rules of Procedure and Conduct of Business in Lok Sabha lays down that—

> If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he

shall lay the relevant paper on the Table:

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper it shall not be necessary to lay the relevant papers on the Table.

Rule 389 of the Rules of Procedure and Conduct of Business in Lok Sabha further lays down that "All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct."

Direction 117 of Directions by the Speaker lays down that "a private member may lay a paper on the Table of the House when he is authorised by the Speaker to do so." Direction 118 further lays down that "if a private member desires to lay a paper or document on the Table of the House, he shall supply a copy thereof to the Speaker in advance so as to enable him to decide whether permission should be given to lay the paper or document on the Table". It is further stated in the Direction that "if in the course of his speech, a member wishes to lay a paper or document on the Table without previously supplying a copy thereof to the Speaker, he may hand it over at the Table but it will not be deemed to have been laid on the Table unless the Speaker, after examination accords the necessary permission."

The Rules of Procedure and the Directions are silent on the question whether a member can quote from a paper which the Government treats as secret or confidential, and which they are not prepared to make public. I have therefore looked into the past practice and precedents.

So far as Lok Sabha is concerned, the following precedents are relevant.

Practice and Precedents

In February 1958, Shri Feroze Gandhi, in the course of his speech, referred to certain notes of the Finance Minister to the Principal Finance Secretary. He also quoted from them in his speech. On an objection being raised as to how the hon. member had got access to these documents, Shri Feroze Gandhi stated, "If I were to reveal all the sources of my information this inquiry would never have been held. I cannot."

The Speaker, giving his decision on the point of order, observed "It is not necessary to divulge the source of information. It has been repeatedly held in courts of law that even if a document is obtained by stealth, so long as it is genuine it is admissible in evidence." The member then placed the document on the Table of the House.

On April 3, 1963, Shri Homi Daji, while speaking on Law Ministry's Demands, quoted from Auditors' Reports into the working of two Insurance Companies, *viz.*, the New Asiatic Insurance Company and the Ruby General Insurance Company, which the Government had not agreed earlier to lay on the Table on the ground that it would not be in the public interest to do so. Shri Daji was asked whether he was prepared to place them on the Table of the House and he was permitted by the Chair to do so after he had recorded a certificate to the effect that he had verified from his personal knowledge that the documents were a true copy of the original with the Government.

On May 4, 1963, Sarvashri Homi Daji and S. M. Banerjee raised a point in the House stating that Part I of Report of the Attorney-General and Shri Shastri on Vivian Bose Commission's Report had already been circulated by one 'Mehr Chand Khanna' to the Speaker and some members of Parliament. They argued that in view of the leakage of the said document which Government declared to be confidential, Part I of that Report should also be laid on the Table. The matter was discussed at length in the House on that day. Ultimately the copy in the possession of the member was passed on to the Minister of Parliamentary Affairs who said that Government would make enquiries about the genuineness or otherwise of the document.

On May 6, 1963, the Minister of Industry made a statement, and *inter alia*, observed as follows:

> Since this part of the Daphtary-Shastri report is already in circulation, Government do not consider that any useful purpose will be served now by continuing to treat this part of the Report as secret. I am, therefore, laying it on the Table of the House.

I have also tried to ascertain the practice in the House of Commons in the United Kingdom. The following precedent has been placed before me.

On February 28, 1945, when a member quoted from a secret protocol, the Foreign Secretary, Mr. Eden, *inter alia*, made the following observations:

> I do not know that my hon. friend has got the complete document. In fact I do not know what he has got.....My hon. friend did not tell me he was going to read out from a secret document..... I am now going to look into these documents and lay them on the Table. I do not ask my hon. friend how he obtained this secret protocol.

When a member asked whether there was an obligation to lay the documents on the Table, the Chair ruled "it is a rule that such documents should be laid, but not if it is against public interest, or if they are in nature of private or secret documents". Mr. Eden clarifying the position further said "There is no obligation to lay a document unless you quote from it. I have not quoted from it, I have referred to it. We propose to lay these documents but I must consult others."

Conclusions

After examining the constitutional position, the precedents and the general parliamentary practice, I give below my conclusions on the various issues that have arisen and which I have specified earlier:

(1) A member can ordinarily quote from a document that is treated by Government as secret or confidential, and which Government have not disclosed in public interest.

(2) Government are not obliged to lay such a document on the Table of the House, and the Chair cannot compel them to do so, if they continue to hold the view that it is not in the public interest to do so.

(3) It is for the Government to consider whether a document, copies of which have been circulated among members or which have appeared in the press wholly or partially, shall still be treated as secret or confidential, and not laid on the Table.

(4) While Government cannot be compelled to admit or deny the correctness of any alleged copy of a document, which is classified as secret or confidential, it is necessary for the member who quotes from such a document, to certify that he has verified from his personal knowledge that the document is the true copy of the original with the Government, and the member will do so on his own responsibility, and the Chair will permit him to proceed. In case the member is not prepared to give a certificate in these terms and he insists on quoting from such document, the Chair may find out from the Government about the authenticity of such a document and the facts placed by the Government before the Chair will be final in determining whether such a document is genuine or not. Where Government decline to admit or deny the correctness of any alleged copy, the Chair will allow the member to proceed and it will be for the Government to give such answers as they think fit and the House possesses ample power to deal with the matter under the Constitution and the Rules.

(5) Normally a member is not expected to spring a surprise on the Speaker, the House and the Government by quoting from a document which is not public. In fairness to all, and in accordance with parliamentary conventions, the member should inform the Chair and the Government in advance so that they are in a position to deal with the matter on the floor of the House when it is raised. If this requirement is not complied with, the Chair may stop the member from quoting from such a document and may ask the member to make available to the Chair a copy before the Chair allows the member to proceed with any quotation therefrom.

(6) It is a fact that a document, which is treated by the Government as secret or confidential, can be obtained through leakage or stealth or in an irregular manner, but the Chair would not compel the Member to disclose the source from which copies have been obtained by the member.

(7) As I said above, the member has a right to quote from such a document subject to the conditions that I have specified above. But there is an overriding authority with the Speaker and under his inherent powers he can stop a member from quoting from a document in the national interest where security of the country is involved. Such cases, I admit, shall be rare, but such a power exists in the Speaker and he can exercise it without assigning any reason.

According to this decision if Mr. P. K. Deo wants to quote from the document, which he alleges to be CBI report, he must first give me the document with the prescribed certificate.

Laying of the Document

A week after the above ruling was given by the Speaker, on March 3, 1965, Shri H. V. Kamath submitted to the Speaker in the House that even on February 26, he had tendered copies of the CBI and Cabinet Sub-Committee Reports with the necessary certificates thereon and had sought permission to lay them on the Table. He said that the issues referred to in those documents could crop up in the House at any moment and, therefore, the permission for their laying might be granted so that members could refer to those documents, whenever necessary. The Speaker pointed out that the documents could not be laid independently of any relevant business before the House.

Later, during that day, in the course of his speech on the motion for consideration of the Income-tax (Amendment) Bill, 1965, Shri Kamath quoted from the above documents. Upon this, several members urged that permission might be granted for the laying of the documents on the Table. The Speaker thereupon gave the permission and Shri Kamath handed over the two documents at the Table. The documents bore the following certificate from the Member:

> I verify from personal knowledge that this document is a true copy of the original document.

The documents, after scrutiny, were treated as papers laid on the Table.

The occasions are frequent and occur unexpectedly, when the Speaker is called upon unaided, and alone, and at once, to decide upon difficult points which may have supreme consequences—points which require not only accurate knowledge of the forms and procedure of the House, but which demand the greatest courage and firmness to apply these precedents to the exigencies of the moment.

Quoted by SIR FREDERIC WHYTE *in the course of his farewell speech at the time of his retirement from the Presidentship of the Legislative Assembly.*

Power of Legislatures to Commit for Contempt and Jurisdiction of Courts

*(Keshav Singh's Case)**

The committal to prison of Shri Keshav Singh by the Legislative Assembly of Uttar Pradesh for committing a breach of privilege and contempt of the House and his writ petition to the Lucknow Bench of the Allahabad High Court for setting him at liberty, led to a chain of events giving rise to "important and complicated questions of law regarding the powers and jurisdiction of the High Court and its judges in relation to the State Legislature and its officers and regarding the powers, privileges and immunities of the State Legislature and its members in relation to the High Court and its Judges in the discharge of their duties". The questions of law involved were of such public importance and constitutional significance that the President considered it expedient to refer the matter to the Supreme Court for its opinion. The main point of contention was the power claimed by the Legislatures under Articles 105(3)/194(3) of the Constitution to commit a citizen for contempt by a general warrant with the consequent deprivation of the jurisdiction of the Courts of Law in respect of that committal.

Facts of the Case

On March 7th, 1963, the Legislative Assembly of Uttar Pradesh referred to its Committee of Privileges the complaint made by a member that Shri Keshav Singh and two others (all non-members) had committed a contempt of the House and a breach of privilege of a Member by having printed and distributed a leaflet containing false and defamatory allegations against a Member in the discharge of his duties in the House. The Committee of Privileges held that a breach of privilege of a Member and a contempt of the House had been committed by the three persons concerned and recommended that they be reprimanded by the Speaker. The House agreed with the report of the Committee on December 18, 1963 and the contemners were ordered to present themselves before the House to receive the reprimand on February 4th, 1964. On the said date they failed to turn up and it was ordered that they must appear before the House on the 19th February, 1964. On that date, two of them put in their appearance and were reprimanded by the Speaker in the House. Shri Keshav Singh, who did not care to comply with the directions of the House was summoned again to be present on March 3rd, 1964, but even on that date he did not turn up before the House. As it was obvious that Shri Keshav Singh was deliberately avoiding to appear before the House, a warrant for his arrest and production before the House was ordered to be issued. In pursuance of the warrant of arrest, Shri Keshav Singh was arrested on March 13, 1964. In the meantime, Shri Keshav Singh had sent a letter to the Speaker, dated March 11, 1964, which was worded in a language derogatory to the dignity of the House and the Speaker.

*Prepared by Committee Branch of Lok Sabha Secretariat under the guidance of the Secretary, Lok Sabha.

694(E)LS—5.

When Shri Keshav Singh was produced before the House on March 14, 1964, he stood with his back towards the Speaker showing great disrespect to the House and did not care to give any answer to the questions put to him by the Speaker. The Speaker, thereupon, reprimanded him in the name of the House in accordance with the resolution of the House dated December 18, 1963.

A Member of the House then invited the attention of the Speaker to the disrespectful behaviour of Shri Keshav Singh and also to his letter referred to above. Thereupon, the Leader of the House (Chief Minister) moved the following resolution:—

> That the way in which Shri Keshav Singh has behaved in the House and even prior thereto, the way in which he had been defying the directions of the House, amply indicate that Shri Keshav Singh was bent upon committing contempt of the House. As the said contempt has been committed in the actual view of the House, it is resolved that Shri Keshav Singh be sentenced to imprisonment for seven days and be lodged in the District Jail, Lucknow, to undergo the imprisonment and the Superintendent, Lucknow Jail be directed to keep Shri Keshav Singh in Jail as a prisoner of the House.

The above resolution was adopted by the House and Shri Keshav Singh was sent to the District Jail, Lucknow, for serving out the sentence of imprisonment.

On March 19, 1964 Shri Keshav Singh, represented by Shri B. Solomon, Advocate, presented a petition to the Lucknow Bench of the Allahabad High Court under Section 491 of the Code of Criminal Procedure and under Article 226 of the Constitution, against the Speaker of the House, the House, the Chief Minister of Uttar Pradesh and the Superintendent of the District Jail, Lucknow where Shri Keshav Singh was imprisoned, praying that he be set at liberty, on the ground, *inter alia*, that his detention after the reprimand had been administered to him, was illegal and without any authority and further praying that pending the disposal of his petition he be ordered to be released on bail.

The above petition was admitted by the High Court and Shri Keshav Singh was released on bail that very day pending disposal of the writ petition filed by him.

On March 21, 1964, the Legislative Assembly of Uttar Pradesh adopted a resolution to the effect that the two Judges of the Allahabad High Court who had entertained the petition of Shri Keshav Singh and ordered him to be released on bail, Shri Keshav Singh and Shri B. Solomon, the advocate who had presented the petition to the High Court, had by their action committed a contempt of the House. The Assembly ordered that Shri Keshav Singh be taken into custody to serve the remainder of his sentence and that the two Judges and Shri B. Solomon be taken into custody and brought before the House. Further, when the period of imprisonment of Shri Keshav Singh was completed, he was ordered to be brought before the House for having again committed a contempt of the House on the March 19, 1964 by causing a petition to be presented to the High Court against his committal by the House.

The two Judges of the High Court, thereupon, presented petitions to the Allahabad High Court under Article 226 of the Constitution on March 23, 1964, praying for a writ of *mandamus* restraining the respondents thereto, namely, the Speaker, the House, the Marshal of the House and the Superintendent of Police, Lucknow, from implementing the aforesaid Resolution of the House dated March 21, 1964. Shri B. Solomon, Advocate, also presented a

petition to the High Court under Article 226 of the Constitution for a similar writ of *mandamus* and further for taking action against the Speaker of the House and the House for contempt of Court.

A full Bench of the Allahabad High Court consisting of 28 Judges admitted the petitions of the two Judges on the same day and directed the issue of notices to the respondents and restraining the Speaker from issuing the warrant in pursuance of the Resolution of the House dated March 21, 1964, and from securing execution of the warrant if already issued, and restraining the Government of Uttar Pradesh and the Marshal of the House from executing the said warrant, if issued.

Similar orders were made by the High Court on the March 25, 1964, on the petition of Shri B. Solomon, Advocate, for a writ of *mandamus*.

The order passed by the High Court was served on the Speaker on the morning of the March 24, 1964. But in the meanwhile, on the evening of March 23, 1964, the Speaker had issued the warrants of arrest pursuant to the Resolution passed by the Assembly on March 21, 1964, and they had been handed over to the Marshal for executing the same. The Marshal was also served with the order of the Court but before the service of the order, he had handed over the warrants to the Commissioner of Lucknow for doing the needful.

On March 25, 1964, the Legislative Assembly passed another Resolution declaring that by its earlier Resolution, dated the March 21, 1964, it had not intended to deprive the two Judges of the Lucknow Bench of Allahabad High Court, Shri B. Solomon, Advocate, and Shri Keshav Singh, of an opportunity of giving their explanations before a final decision about the commission of contempt by them was taken by the House and directing that such an opportunity should be given to them.

The warrants of arrest of the two Judges and Shri B. Solomon, Advocate, were, accordingly, withdrawn by the Speaker and the Resolution passed by the House on the 25th March, 1965 was referred by him to the Committee of Privileges for necessary action. The Committee of Privileges decided on the March 26, 1964, to issue notices to the said two Judges and Shri B. Solomon, Advocate, to appear before it on the April 6, 1964, for submitting their explanations.

The two Judges, thereupon, moved fresh petitions before the High Court on the March 27, 1964, for staying the implementation of the Resolution passed by the Assembly on the March 25, 1964. A full Bench of the High Court consisting of 23 Judges passed an interim order restraining the Speaker, the House and the Chairman of the Committee of Privileges from implementing the aforesaid Resolution of the House and also the operation of the aforesaid notices issued to the two Judges by the Committee of Privileges.

Reference to Supreme Court

In the meantime, on the March 26, 1964, the President of India made a Special Reference (No. 1 of 1964) to the Supreme Court, in exercise of the powers conferred upon him by clause (1) of Article 143 of the Constitution of India, for consideration and report to him its opinion in regard to the "serious conflict between a High Court and a State Legislature, involving important and complicated questions of law regarding the powers and jurisdiction of the High Court and its Judges in relation to the State Legislature and its officers and regarding the powers, privileges and immunities of the State

Legislature and its members in relation to the High Court and its Judges in the discharge of their duties".

The following five questions of law were referred to the Supreme Court by the President for its consideration and opinion:

(1) Whether, on the facts and circumstances of the case, it was competent for the Lucknow Bench of the High Court of Uttar Pradesh, consisting of the Hon'ble Mr. Justice N. U. Beg and the Hon'ble Mr. Justice G. D. Sahgal, to entertain and deal with the petition of Mr. Keshav Singh Challenging the legality of the sentence of imprisonment imposed upon him by the Legislative Assembly of Uttar Pradesh for its contempt and for infringement of its privileges and to pass orders releasing Mr. Keshav Singh on bail pending the disposal of his said petition;

(2) Whether, on the facts and circumstances of the case, Mr. Keshav Singh by causing the petition to be presented on his behalf to the High Court of Uttar Pradesh as aforesaid, Mr. B. Solomon, Advocate, by presenting the said petition and the said two Hon'ble Judges by entertaining and dealing with the said petition and ordering the release of Mr. Keshav Singh on bail pending disposal of the said petition committed contempt of the Legislative Assembly of Uttar Pradesh;

(3) Whether, on the facts and circumstances of the case, it was competent for the Legislative Assembly of Uttar Pradesh to direct the production of the said two Hon'ble Judges and Mr. B. Solomon, Advocate, before it in custody or to call for their explanation for its contempt;

(4) Whether, on the facts and circumstances of the case, it was competent for the Full Bench of the High Court of Uttar Pradesh to entertain and deal with the petitions of the said two Hon'ble Judges and Mr B. Solomon, Advocate, and to pass interim orders restraining the Speaker of the Legislative Assembly of Uttar Pradesh and other respondents to the said petitions from implementing the aforesaid direction of the said Legislative Assembly; and

(5) Whether, a Judge of a High Court who entertains or deals with a petition challenging any order or decisions of a Legislature imposing any penalty on the petitioner or issuing any process against the petitioner for its contempt or for infringement of its privileges and immunities or who passes any order on such petition commits contempt of the said Legislature and whether the said Legislature is competent to take proceedings against such a Judge in the exercise and enforcement of its powers, privileges and immunities."

Supreme Court's Opinion[1]

A Constitution Bench of the Supreme Court consisting of Seven Judges, presided over by the Chief Justice of India, Shri P. B. Gajendragadkar, considered the Reference made by the President. The proceedings before the Court were opened by the Attorney General of India who stated the relevant facts leading to the Reference and indicated broadly the rival contentions which the House and the High Court sought to raise before the Supreme Court by the statements of the case filed on their behalf. He was followed by the Counsel of the U.P. Legislative Assembly, Shri H. M. Seervai (Advocate General of Maharashtra) and he was, in turn, followed by the Counsel of the Judges of the Allahabad High Court, Shri M. C. Setalwad (Ex-Attorney General of India).

The Supreme Court delivered its Opinion[2] on the 30th September, 1964. The Majority Opinion, delivered by the

1. A.I.R. 1965 S.C. 745.
2. *Ibid.*

Chief Justice of India (for self and five other Judges) made the following points of constitutional and legal import:

(1) .... *prima facie*, the power conferred on the High Court under Art. 226(1)[3] can, in a proper case, be exercised even against the Legislature. If an application is made to the High Court for the issue of a writ of *habeas corpus*, it would not be competent to the House to raise a preliminary objection that the High Court has no jurisdiction to entertain the application because the detention is by an order of the House. Art. 226(1) read by itself, does not seem to permit such a plea to be raised. Art. 32[4] which deals with the power of this Court puts the matter on a still higher pedestal; the right to move this Court by appropriate proceedings for the enforcement of the fundamental rights is itself a guaranteed fundamental right, and so, what we have said about Art. 226(1) is still more true about Art. 32(1).

(2) If a citizen moves the High Court on the ground that his fundamental right under Art. 21[5] has been contravened, the High Court would be entitled to examine his claim, and that itself would introduce some limitation on the extent of the powers claimed by the House in the present proceedings.....Art. 212(1)[6] seems to make it possible for a citizen to call in question in the appropriate court of law the validity of any proceedings inside the Legislative Chamber if his case is that the said proceedings suffer not from mere irregularity of procedure, but from an illegality. If the impugned procedure is illegal and unconstitutional, it would be open to be scrutinised in a court of law, though such scrutiny is prohibited if the complaint against the procedure is no more than this that the procedure was irregular.

(3) The position is that the conduct of a Judge in relation to the discharge of his duties cannot legitimately be discussed inside the House, though if it is, no remedy lies in a court of law. But such conduct cannot be made the subject matter of any proceedings under the latter part of Art. 194(3)[7]. If this were not the true position, Art. 211[8] would amount to a meaningless declaration and that clearly could not have been the intention of the Constitution.

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3. *Article 226 (1)*. Notwithstanding anything in article 32, every High Court shall have power throughout the territories in relation to which it exercises jurisdiction to issue to any person or authority, including in appropriate cases any Government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quowarranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

4. *Article 32*. (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of *habeas, corpus, mandamus*, prohibition, *quo warranto* and *certiovari*, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

5. *Article 21*. No person shall be deprived of his life or personal liberty except according to procedure established by law.

6. *Article 212 (1)*. The validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure.

7. *Article 194* (3). In other respects, the powers, privileges and immunities of a House of the Legislature of a State, and of the members and the committee of a House of such Legislature, shall be such as may from time to time be defined by the Legislature by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution.

8. *Article 211*. No discussion shall take place in the Legislature of a State with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

(4) The House, and indeed all the Legislative Assemblies in India, never discharged any judicial functions and their historical and constitutional background does not support the claim that they can be regarded as Courts of Record in any sense. If that be so, the very basis on which the English courts agreed to treat a general warrant issued by the House of Commons on the footing that it was a warrant issued by a superior Court of Record, is absent in the present case, and so, it would be unreasonable to contend that the relevant power to claim a conclusive character for the general warrant which the House of Commons, by agreement, is deemed to possess, is vested in the House. On this view of the matter, the claim made by the House must be rejected.

Assuming, however, that the right claimed by the House can be treated as an integral part of the privileges of the House of Commons, the question to consider would be whether such a right has been conferred on the House by the latter part of Art. 194(3). On this alternative hypothesis, it is necessary to consider whether this part of the privilege is consistent with the material provisions of our Constitution. We have already referred to Articles 32 and 226. Let us take Art. 32 because it emphatically brings out the significance of the fundamental right conferred on the citizens of India to move this Court if their fundamental rights are contravened either by the Legislature or the Executive. Now, Art. 32 maes no exception in regard to any encroachment at all, and it would appear illogical to contend that even if the right claimed by the House may contravene the fundamental rights of the citizen, the aggrieved citizen cannot successfully move this Court under Art. 32. To the absolute constitutional right conferred on the citizens by Art. 32 no exception can be made and no exception is intended to be made by the Constitution by reference to any power or privilege vesting in the Legislatures of this country.

* * *

The crux of the matter is the construction of the latter part of Art. 194(3), and in the light of the assistance which we must derive from the other relevant and material provisions of the Constitution, it is necessary to hold that the particular power claimed by the House that its general warrants must be held to be conclusive, cannot be deemed to be the subject-matter of the latter part of Art. 194(3).

(5) It may be conceded that in England it appears to be recognised that in regard to *habeas corpus* proceedings commenced against orders of commitment passed by the House of Commons on the ground of contempt, bail is not granted by courts. As a matter of course during the last century and more in such *habeas corpus* proceedings returns are made according to law by the House of Commons but 'the general rule is that the parties who stand committed for contempt cannot be admitted to bail.' But it is difficult to accept the argument that in India the position is exactly the same in this matter. If Art. 226 confers jurisdiction on the Court to deal with the validity of the order of commitment even though the commitment has been ordered by the House, how can it be said that the Court has no jurisdiction to make an interim order in such proceedings?

The Majority Opinion gave the following answers to the five questions referred to the Supreme Court by the President:—

(1) On the facts and circumstances of the case, it was competent for the Lucknow Bench of the High Court of

Uttar Pradesh, consisting of N. U. Beg and G.D. Sahgal JJ., to entertain and deal with the petition of Keshav Singh challenging the legality of the sentence of imprisonment imposed upon him by the Legislative Assembly of Uttar Pradesh for its contempt and for infringement of its privileges and to pass orders releasing Keshav Singh on bail pending the disposal of his said petition.

(2) On the the facts and circumstances of the case, Keshav Singh by causing the petition to be presented on his behalf to the High Court of Uttar Pradesh as aforesaid, Mr. B. Solomon, Advocate, by presenting the said petition, and the said two Hon'ble Judges by entertaining and dealing with the said petition and ordering the release of Keshav Singh on bail pending disposal of the said petition, did not commit contempt of the Legislative Assembly of Uttar Pradesh.

(3) On the facts and circumstances of the case, it was not competent for the Legislative Assembly of Uttar Pradesh to direct the production of the said two Hon'ble Judges and Mr. B. Solomon, Advocate, before it in custody or to call for their explanation for its contempt.

(4) On the facts and circumstances of the case, it was competent for the Full Bench of the High Court of Uttar Pradesh to entertain and deal with the petitions of the said two Hon'ble Judges and Mr. B. Solomon, Advocate, and to pass interim orders restraining the Speaker of the Legislative Assembly of Uttar Pradesh and other respondents to the said petitions from implementing the aforesaid direction of the said Legislative Assembly; and

(5) In rendering our answer to this question which is very broadly worded, we ought to preface our answer with the observation that the answer is confined to cases in relation to contempt alleged to have been committed by a citizen who is not member of the House outside the four-walls of the legislative chamber. A Judge of a High Court who entertains or deals with a petition challenging any order or decision of a Legislature imposing any penalty on the petitioner or issuing any process against the petitioner for its contempt, or for infringement of its privileges and immunities, or who passes any order on such petition, does not commit contempt of the said Legislature; and the said Legislature is not competent to take proceedings against such a Judge in the exercise and enforcement of its powers, privileges and immunities. In this answer, we have deliberately ommitted reference to infringment of privileges and immunities of the House which may include privileges and immunities other than those with which we are concerned in the present Reference.

Mr. Justice Sarkar, in his Minority Opinion, *inter alia* made the following important points:

(1) The privilege which I take up first is the power to commit for contempt. It is not disputed that the House of Commons has this power.....

* * *

The possession of this power by the House of Commons is, therefore, undoubted.

* * *

That takes me to the language used in cl. (3) of Art. 194. The words there appearing are 'the powers', privileges and immunities of a House.... shall be those of the House of Commons'. I cannot image more plain language than this. That language can only have one meaning and that, is that it was intended to confer on the State Legislatures the powers, privileges and immunities which the House of Commons in England had.

.....It would, therefore, appear that Art. 194(3) conferred on the Assembly the power to commit for contempt and it possessed that power.

(2) The next question is as to the privilege to commit by a general warrant. There is no dispute in England that if the House of Commons commits by a general warrant without stating the facts which constitute the contempt, then the courts will not review that order: See *Burdett* v. *Abbott; May* p. 173.

* * *

I find no authority to support the contention that the power to commit by a general warrant with the consequent deprivation of the jurisdiction of the

Courts of law in respect of that committal is something which the House of Commons had because it was a superior court. ....I think in this state of the authorities it would at least be hazardous to hold that the House of Commons was a court of record. If it was not, it cannot be said to have possessed the power to commit for its contempt by a general warrant as a court of record.

* * * *

I then come to the conclusion that the right to commit for contempt by a general warrant with the consequent deprivation of jurisdiction of the courts of law to enquire into that committal is a privilege of the House of Commons. That privilege is, in my view, for the reasons earlier stated, possessed by the Uttar Pradesh Assembly by reason of Art. 194(3) of the Constitution."

(3) In the present case the conflict is between the privilege of the House to commit a person for contempt without that committal being liable to be examined by a Court of law and the personal liberty of a citizen guaranteed by Art. 21 and the right to move the courts in enforcement of that right under Art. 32 or Art. 226. If the right to move the courts in enforcement of the fundamental right is given precedence, the privilege which provides that if a House commits a person by a general warrant that committal would not be reviewed by courts of law, will lose all its effect and it would be as if that privilege had not been granted to a House by the second part of Art. 194(3). This, in my view, cannot be. That being so, it would follow that when a House commits a person for contempt by a general warrant that person would have no right to approach the courts nor can the courts sit in judgment over such order of committal.

(4) I wish to add that I am not one of those who feel that a Legislative Assembly cannot be trusted with an absolute power of committing for contempt. The Legislature have by the Constitution been expressly entrusted with much more important things. During the fourteen years that the Constitution has been in operation, the Legislatures have not done anything to justify the view that they do not deserve to be trusted with power. I would point out that though Art. 211 is not enforceable the Legislatures have shown an admirable spirit of restraint and have not even once in all these years discussed the conduct of Judges. We must not lose faith in our people, we must not think that the Legislatures would misuse the powers given to them by the Constitution or that safety lay only in judicial correction. Such correction may produce friction and cause more harm than good. In a modern State it is often necessary for the good of the country that parallel powers should exist in different authorities. It is not inevitable that such powers will clash. It would be defeatism to take the view that in our country men would not be available to work these powers smoothly and in the best interests of the people and without producing friction. I sincerely hope that what has happened will never happen again and our Constitution will be worked by the different organs of the State amicably, wisely, courageously and in the spirit in which the makers of the Constitution expected them to act.

Mr. Justice Sarkar, in his Minority Opinion, gave the following answers to the five questions referred to the Supreme Court by the President:—

(1) This question should, in my opinion, be answered in the affirmative. The Lucknow Bench was certainly competent to deal with *habeas corpus* petitions generally.....Till the Lucknow Bench was apprised of the fact that the detention complained of was under a general warrant, it had full competence to deal with the petition and make orders on it.....

(2) The first thing I observe is that the question whether there is a contempt of the Assembly is for the Assembly to determine. If that determination does not state the facts, courts of law cannot review the legality of it. Having made that observation, I proceed to deal with the question.

The question should be answered in the negative. I suppose for an act to amount to contempt, it has not only to be illegal but also wilfully illegal. Now in the present case it does not appear that any of the persons mentioned had

any knowledge that the imprisonment was under a general warrant. That being so, I have no material to say that the presentation of the petition was an illegal act much less a wilfully illegal act. No contempt was, therefore, committed by the Hon'ble Judges or B. Solomon or Keshav Singh for the respective parts taken by them in connection with the petition.

(3) .....For one thing, it would not be competent for the Assembly to find the Hon'ble Judges and B. Solomon to be guilty of contempt without giving them a hearing. Secondly, in the present case I have already shown that they were not so guilty. That being so, it was not competent for the Assembly to direct their production in custody....

As to the competence of the Assembly to ask for explanation from the two Judges and B. Solomon, I think it had. That is one of the privileges of the House. As it has power to commit for contempt, it must have power to ascertain facts concerning contempt.

(4) I would answer the question in the affirmative. The Full Bench had before it petitions by the two Judges and B. Solomon complaining of the resolution of the Assembly finding them guilty of contempt. I have earlier stated that on the facts of this case, they cannot be said to have been so guilty. It would follow that the Full Bench had the power to pass the interim orders that it did.

(5) This is too general a question and is not capable of a single answer; the answers would vary as the circumstances vary, and it is not possible to imagine all the sets of circumstances. Nor do I think we are called upon to do so. As learned advocates for the parties said this question has to be answered on the facts of this case. On those facts the question has to be answered in the negative.

Speakers' Conference Resolution

The opinion[9] of the Supreme Court was discussed by the Conference of Presiding Officers of Legislative Bodies in India held at Bombay on the January, 11 & 12 1965. Speaking at that Conference, the Chairman (Mr. Speaker Hukum Singh) said that "the intention of the Constituent Assembly was to oust the jurisdiction of Courts in contempt cases". He observed:

> If you go to the history of the provisions contained in Articles 105 and 194 of the Constitution, you will find that the intention has all along been that the Legislatures in India should have the same powers and privileges as are enjoyed by the British House of Commons, more particularly the privilege of committing for contempt by a general warrant without the scrutiny of the Courts.
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> * * *
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> In his speech on these provisions in the Constituent Assembly, Dr. Ambedkar, who sponsored the constitutional provisions, stated as follows:
>
> 'Under the House of Commons Powers and Privileges, it is open to Parliament to convict any citizen for contempt of Parliament and when such privilege is exercised, the jurisdiction of the court is ousted. That is an important privilege. ....There is not the slightest doubt in my mind and I am sure also in the mind of the Drafting Committee that Parliament must have certain privileges, when that Parliament would be so much exposed to calumny, to unjustified criticism that the perliamentary institution in this country might be brought down to utter contempt and may lose all the respect which parliamentary institutions should have from the citizens for whose benefit they operate.'

The Conference unanimously adopted a resolution expressing its view that suitable amendments to article 105 and 194 should be made in order to make the intention of the Constitution makers clear beyond doubt so that the powers privileges and immunities of Legislatures, their members and Committees could not, in any case, be construed as being subject or subordinate to any other articles of the Constitution.[5]

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[9]A.I.R. 1965 S.C. 745.

†For the text of the Resolution, *see* page 76.

Allahabad High Court's Judgement

On March 10, 1965, the Allahabad High Court delivered its judgment on the writ petition of Shri Keshav Singh which was pending before it since March 19, 1964. The High Court dismissed the writ petition of Shri Keshav Singh and ordered him to surrender to his bail and serve out the remaining portion of the sentence of imprisonment imposed upon him by the Legislative Assembly of Uttar Pradesh.

In its judgment, the Allahabad High Court stated *inter alia*:—

(1) In our opinion, both upon authority and upon a consideration of the relevant provisions of the Constitution, it must be held that the Legislative Assembly has, by virtue of Article 194(3), the same power to commit for its contempt as the House of Commons has.

(2) In our opinion, the provisions of Article 22(2) of the Constitution cannot apply to a detention in pursuance of a conviction and imposition of a sentence of imprisonment by a competent authority.....

.... Article 22(2) is applicable only at a stage when a person has been arrested and is accused of some offence or other act and it can have no application after such person has been adjudged guilty of the offence and is detained in pursuance of such adjudication.

....Article 22(2) was not intended to apply to a case of detention following conviction and sentence by the Legislative Assembly.

(3) So far as the question of violation of Article 21 is concerned, the matter is concluded by the decision of the Supreme Court in *Sharma's Case*.[10].....

Since we have already held that the Legislative Assembly has the power to commit the petitioner for its contempt and since the Legislative Assembly has framed rules for the procedure and conduct of its business under Article 208(1), the commitment and deprivation of the personal liberty of the petitioner cannot but be held to be according to the procedure laid down by law within the meaning of Article 21 of the Constitution.

(4) Once we come to the conclusion that the Legislative Assembly has the power and jurisdiction to commit for its contempt and to impose the sentence passed on the petitioner, we cannot go into the question of the correctness, propriety or legality of the commitment. This Court cannot, in a petition under Article 226 of the Constitution, sit in appeal over the decision of the Legislative Assembly committing the petitioner for its contempt. The Legislative Assembly is the master of its own procedure and is the sole judge of the question whether its contempt has been committed or not.

(5) Since the House of Commons has the power to commit any one for its contempt and to confine him in one of Her Majesty's prisons, the Legislative Assembly also has a similar power to confine any person, whom it commits for breach of its privilege, in any prison. Since the Legislative Assembly has, under Article 194(3), the Constitutional right to direct that the petitioner, who has been committed for its contempt, be detained in the District Jail, Lucknow, the Superintendent of that Jail was bound to receive the petitioner and to detain him in accordance with the warrant issued by the Speaker.

(6) In our opinion, no question of violation of Article 14 can at all arise in such a case. Every person, who commits contempt of the Legislative Assembly, is subject to the same procedure and to the same punishments.

Shri Keshav Singh was, accordingly, taken into custody subsequently, and he served out the remaining portion (namely one day) of the sentence of imprisonment which had been imposed upon him earlier by the U.P. Legislative Assembly.[1]

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[10] A.I.R. (1959) S.C. 395.

[11] *Statesman*, dt. 21st March, 1965.

Power of U.S. Congress to Punish for Contempt*

Each House of the Congress in the U.S.A. has the power to punish its Members for disorderly behaviour, and other contempts of its authority, as well as to expel a Member for any cause which seems to the House to render it unfit that he continues to occupy one of its seats.[1] This power is generally enumerated in the Constitution[2] of the U.S.A. In such cases, the courts of law cannot inquire into the justice of the decision, or even so much as examine the proceedings of the House to see whether or not the proper opportunity for defence was furnished.[3]

Anderson V. *Dunn* (1821).[3A]

Although, the Constitution is silent about the power of the Houses of Congress to punish non-Members for committing contempts of their authority, each House has the inherent power to punish contempts of its authority by persons, other than Members, where they are committed in its presence, or where they tend directly to embarrass or obstruct its legislative proceedings.[4] This power was first judicially confirmed in the 1821 case of *Anderson* v. *Dunn*.[5] In that case, John Anderson a citizen, was arrested on a general warrant issued by the Speaker under the direction of the House, tried, and censured by the House, for attempted bribery of a Member of the House of Representatives. After being reprimanded by the Speaker at the Bar of the House, he was discharged from custody. John Anderson, thereupon, brought a suit against the Serjeant-at-Arms of the House for assault, battery and false imprisonment, which was finally settled by a decision of the United States Supreme Court, delivered by Mr. Justice Johnson in February, 1821. The Supreme Court affirmed that either House of the Congress has the power to commit any person for its contempt as an essential implied power.[6] As explained in a later case,[7] in *Anderson* v. *Dunn*, it was "explicitly decided that from the power to legislate given by the Constitution to Congress there was to be implied the right of Congress to preserve itself; that is, to deal by way of contempt

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*Prepared by Committee Branch of Lok Sabha Secretariat under the Guidance of the secretary, Lok Sabha.

1. Cooley's Constitutional Limitations, 8th Ed., Vol. I, p. 271.

2. Art 11, Sec. 5, cl. 2 of the U. S.. Constitution provides:
"Each House may determine the Rules of its Proceedings, punish its Members for disorderly. Behavior, and, with the Concurrence of two thirds, expel a Member."

3. Cooleys Constitutional Limitations, 8th Ed Vol. I p 271 See also *Hiss* v. *Bartlett*, 3 Gray, 468; *Anderson* v. *Dunn*, 6 Wheat 204; *French* v. *Senate*, 146 cal. 604.

3A. 6 Wheat. 204 (1821).

4. Cooley's Constitutional Limitations, 8th Ed. Vol. I, page 272.

5. Wheat. 204 (1821); Hinds' Precedents, Vol. II. 1606-07.

6. A Commentary on the Constitution of the United States, Vol. I, by Dr. Bernard Schwartz, p. 122; Jefferson's Manual, p. 123.

7. *Marshall* v. *Gordon*, 243 U.S. 521 (1917).

with direct obstructions to its legislative duties.[8] The Supreme Court observed:[9]

* * * *

It is certainly true that there is no power given by the Constitution to either House to punish for contempts, except when committed by their own members ..

* * * *

It is true that such a power if it exists, must be derived from implication, and the genius and spirit of our institutions are hostile to the exercise of implied powers.

* * * *

But if there is one maxim which necessarily rides over all others. In the practical application of Government, it is that the public functionaries must be left at liberty to exercise the powers which the people have entrusted to them. The interests and dignity of those who created them require the exertion of the powers indispensable to the attainment of the ends of their creation. Nor is a casual conflict with the rights of particular individuals any reason to be urged against the exercise of such powers. . . .

* * * *

But it is contended that if this power in the House of Representatives is to be asserted on the plea of necessity, the ground is too broad and the result too indefinite: that the executive and every coordinate, and even subordinate, branch of the Government may resort to the same justification and the whole assume to themselves, in the exercise of this power, the most tyrannical licentiousness.

* * * *

The argument obviously leads to the total annihilation of the power of the House of Representatives to guard itself from contempts, and leaves it exposed to every indignity and interruption that rudeness, caprice or even conspiracy, may meditate against it. This result is fraught with too much absurdity not to bring into doubt the soundness of any argument from which it is derived. That a deliberative assembly, clothed with the majesty of the people and charged with the care of all that is dear to them; composed of the most distinguished citizens, selected and drawn together from every quarter of a great nation; whose deliberations are required by public opinion to be conducted under the eye of the public and whose decisions must be clothed with all that sanctity which unlimited confidence in their wisdom and purity can inspire; that such an assembly should not possess the power to suppress rudeness or repel insult is a supposition too wild to be suggested.

* * * *

.... the least possible power adequate to the end proposed is the power of imprisonment.

As regards the power of the House to issue a general warrant, the Supreme Court observed:—

... there is nothing on the face of this record from which it can appear on what evidence this warrant was issued. And we are not to presume that the House of Representatives would have issued it without duly establishing the fact charged on the individual.

Thus, in the leading case of *Anderson* v. *Dunn*,[10] the Speaker's warrant for the arrest of the person adjudged guilty of contempt was sustained, though it did not show in what the alleged contempt consisted.[1]

Limitations upon Congressional Contempt Power

It is not very well settled what are the limits of the power of either House of U.S. Congress to punish for contempt of its authority. But, the authority of either House of Congress in the U.S.A. in this regard is much less extensive than that of either House of the British Parliament. As stated by Cooley:[12]

But in America the authority of legislative bodies in this regard is much less extensive than in England, and we are in

8. *Marshall* v. *Gordon*, 243 U.S. 521, 537 (1917), quoted also by Dr. Bernard Schwartz, Vol. I. p. 122.
9 *Anderson* v. *Dunn*, 6 Wheat. 204 (1821).
10. 6 Wheat. 204 (1821).
11. Cooley's Constitutional Limitations, 8th Ed., Vol. I, page 272.
12. *Ibid.*

danger, perhaps, of being misled by English precedents. The Parliament, before its separation into two bodies, was a high Court of judicature, possessed of the general power, incident to such a Court, of punishing contempts, and after the separation the power remained with each body, because each was considered to be a Court of judicature and exercised the functions of such a Court. American legislative bodies have not been clothed with the judicial function, and they do not therefore possess the general power to punish for contempt but as incidental to their legislative authority, they have the power to punish as contempts those acts of members or others which tend to obstruct the performance of legislative duty, or to defeat, impede, or embarrass the exercise of legislative power.

Kilbourn V. Thompson (1880)[13]

As seen above, in *Anderson* v. *Dunn,* the U.S. Supreme Court recognised the existence in Congress of a general power to punish for contempt persons disobeying its orders.[14] In the case of *Kilbourn* v. *Thompson,* however, decided in 1880, the Supreme Court very much narrowed this power,[15] holding that the House had no general power to punish for contempt, as in a case wherein it was proposing to coerce a witness in an inquiry not within the constitutional authority of the House.[16] In that case,[17] in 1876, *Hallet Kilbourn,* a contumacious witness before a Select Committee of the House of Representatives, had been arrested and imprisoned by the House for committing a contempt of the House. While confined in jail for contempt of the House, the witness *Kilbourn* was released on a writ of *habeas corpus* by the Supreme Court of the District of Columbia. Thereupon, *Kilbourn* brought a suit for false imprisonment against the Seargent-at-Arms and several Members of the House, and the case reached the Supreme Court of the U.S.A. The Supreme Court decided that the inquiry, in connection with which *Kilbourn* had been required to testify as a witness before the Select Committee of the House, was not within the Coonstitutional authority of the House and that the Committee, therefore, had "no lawful authority to require *Kilbourn* to testify as a witness beyond what he voluntarily chose to tell; that the orders and resolutions of the House and the warrant of the Speaker, under which *Kilbourn* was imprisoned, are, in like manner, void for want of jurisdiction in that body, and that his imprisonment is without any lawful authority."

The Supreme Court also discussed the doctrine of inherent power of the Congress to punish for contempt and observed:[18]

> We are of opinion that the right of the House of Representatives to punish the citizen for a contempt of its authority on a breach of its privileges can derive no support from the precedents and practices of the two Houses of the English Parliament, nor from the adjudged cases in which the English Courts have upheld these practices. Nor, taking what has fallen from the English judges, and especially the later cases on which we have just commented, is much aid given to the doctrine, that this power exists as one necessary to enable either House of Congress to exercise successfully their function of legislation. This latter proposition is one that we do not propose to decide in the present case, because we are able to decide it without passing upon the existence or non-existence of such a power in aid of the legislative function.

13. 103 U.S. 168 (1880).

14. The Constitutional Law of the United States by Willoughby, 2nd Ed, Vol. I, p. 617.

15. *Ibid.*

16. Jefferson's Manual, p. 124.

17. Hinds' Precedents, Vol. II, 1608—1611.

18. 103 U.S., 189 (1880).

The Supreme Court further observed:[19]

> .....the Constitution expressely empowers each House to punish its own Members for disorderly behavior. We see no reason to doubt that this punishment may in a proper case be imprisonment, and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order.
>
> So, also, the penalty which each House is authorised to inflict in order to compel the attendance of absent Members may be imprisonment, and thus may be for a violation of some order or standing rule on that subject.
>
> * * * *
>
> ....we are sure that no person can be punished for contumacy as a witness before either House, unless his testimony is required in a matter into which that House has jurisdiction to inquire, and we feel equally sure that neither of these bodies possesses the general power of making inquiry into the private affairs of the citizens.

In 1894, in the case of Chafman[20], another contumacious witness, the U.S. Supreme Court affirmed[21] the undoubted right of either House of Congress to punish for contempt in cases to whcih its power properly extends under the expressed terms of the Constitution.

The Congressional contempt power is limited by its object—*i.e.*, to prevent interferences with the legitimate functions of the two Houses[22] As stated[23] by the U.S. Supreme Court, no act is punishable as a contempt of the Congress "unless it is of a nature to obstruct the performance of the duties of the Legislature". It has been held that the power of Congress to punish for contempt may not be extended to defamatory attacks which present no immediate obstruction to legislative processes.[24]

Marshall v. *Gordon* (1917)[25]

In the comparatively recent case of *Marshall* v. *Gordon* (1917),[26] the U.S. Supreme Court took occasion to review the entire question as to the extent of the power of the Houses of Congress to punish for contempt in the light of the fundamental principle of the American Constitution regarding the separation of powers.[27] In that case, while an inquiry was being conducted by a sub-committee of the Judiciary Committee of the House of Representatives against H. Snowden Marshall, an United States District attorney, for his liability to impeachment, Marshall addressed to the sub-Committee's Chairman, and gave to the press, a letter, containing matter defamatory to the Committee and couched in terms calculated to arouse the indignation of the members of that committee and those of the House generally.[28] Thereafter. Marshall, was arrested by the Seargent-at-Arms pursuant to a resolution of the House whereby his letter was characterised as defamatory and in-

19. *Ibid.*

20. Hinds' Precedents, Vol. II, 1614; Jefferson's Manual, p. 124.

21. 166 U.S. 661 (1897).

22. A Commentary on the Constitution of the United States, by Dr. Bernard Schwartz, Vol. I, p. 122.

23. Journey v. Mac Cracken, 294 U.S. 125, 148 (1935).

24. *Jurney v. Mac Cracken*, 294 U.S. 125, 150 (1935).

25. 243 U.S. 521 (1917).

26. *Ibid.*

27. The Constitutional Law of the United States, by Willoughby, 2nd Ed, Vol. I, p. 619.

28. Jefferson's Manual, pp. 124—126.

sulting to the House and as tending to bring the House into public contempt and ridicule, and whereby Marshall in writing and publishing such letter was adjudged to be in contempt of the House in violating its privileges, honour and dignity. Marshall applied for *habeas corpus* which was refused by a District Court. On appeal, the U.S. Supreme Court reversed the order of the District Court, with directions to discharge the appellant from custoday.

The Supreme Court held that the House could not punish the writing of such a defamatory letter because such act was not of a character to affect the legislative process, and observed: "the contempt relied upon was not intrinsic to the right of the House to preserve the means of discharging its legislative duties, but was extrinsic to the discharge of such duties, and related only to the presumed operation which the letter might have upon the public mind and the indignation naturally felt by members of the committee on the subject.[29]

Discussing fully the nature and the extent of the power of either House of Congress to commit a citizen for contempt of its authority, the U.S. Supreme Court observed:[30]

....Certain is it that authority was possessed by the House of Commons in England to punish for contempt directly, that is, without the intervention of courts, and that such power included a variety of acts and many forms of punishment, including the right to fix a prolonged term of imprisonment. Indubitable also is it, however, that this power rested upon an assumed bending of legislative and judicial authority possessed by the Parliament when the Lords and Commons were one, and continued to operate after the division of the Parliament into two houses, either because the interblended power was thought to continue to reside in the Commons, or by the force of routine the mere reminiscence of the commingled powers led to a continued exercise of the wide authority as to contempt formerly existing long after the foundation of judicial-legislative power upon which it rested had ceased to exist.....

No power was expressly conferred by the Constitution of the United States on the subject except that given to the House to deal with contempt can be conceived of. It members—Article 1, s 5. As the rule concerning the Constitution of the United States is that powers not delegated were reserved to the people or the States, it follows that no other express authority to deal with contempt committed by its own comes, then, to this: was such an authority implied from the powers granted? As it is unthinkable that in any case from a power expressly granted there can be implied the authority to destroy the grant made, and as the possession by Congress of the commingled legislative—judicial authority as to contempts which was exerted in the House of Commons would be absolutely destructive of the distinction between legislative, executive, and judicial authority which is interwoven in the very fabric of the Constitution, and would disregard express limitations therein, it must follow that there is no ground whatever for assuming that any implication as to such a power may be deduced from any grant of authority made to Congress by the Constitution. This conclusion has long since been authoritatively settled and is not open to be disputed.—*Anderson* v. *Dunn*, 6 Wheat. 204, 5L. ed. 242; *Kilbourn* v. *Thompson*, 103 U.S. 168, 26 L. ed. 377. Whether the right to deal with contempt in the limited way provided in the State Constitutions may be implied in Congress as the result of the legislative power granted must depend upon how far such limited power is ancillary or incidental to the power granted to Congress,....

The rule of constitutional interpretation announced in *M'Culloch v. Maryland*, 4 Wheat. 316, 4L. ed. 579, that that which was reasonably appropriate and relevant to the exercise of a granted power was to be considered as accompanying the grant, has been so universally applied that it suffices merely to state it. And as there is nothing in the inherent nature of the power to deal with contempt which causes it to be an exception to such rule, there can be no reason for refusing to apply it to that subject.

29. 243 U.S. 546 (1917).

30. 243 U.S. 521 (1917).

....from a doctrinal point of view the English rule concerning legislative bodies generally came to be in exact accord with that which was recognized in *Anderson* v. *Dunn*, 6 Wheat. 204, 5 L. ed. 242, as belonging to Congress; that is, that in virtue of the grant of legislative authority there would be a power implied to deal with contempt in so far as that authority was necessary to preserve and carry out the legislative authority given....

What does this implied power embrace? is thus the question. In answering, it must be borne in mind that the power rests simply upon the implication that the right has been given to do that which is essential to the execution of some other and substantive authority expressly conferred. The power is therefore but a force implied to bring into existence the conditions to which constitutional limitations apply. It is a means to an end, and not the end itself. Hence it rests solely upon the right of self-preservation to enable the public powers given to be exerted.

Without undertaking to inclusively mention the subjects embraced in the implied power, we think from the very nature of that power it is clear that it does not embrace punishment for contempt as punishment, since it rests only upon the right of self-preservation; that is, the right to prevent acts which, in and of themselves, inherently obstruct or prevent the discharge of legislative duty or the refusal to do that which there is an inherent legislative power to compel in order that legislative functions may be performed. And the essential nature of the power also makes clear the cogency and application of the two limitations which were expressly pointed out in *Anderson* v. *Dunn*. supra; that is, that the power, even when applied to subjects which justified its exercise, is limited to imprisonment, and such imprisonment may not be extended beyond the session of the body in which the contempt occurred....The legislative history of the exertion of the implied power to deal with contempt by the Senate or House of Representatives when viewed comprehensively from the beginning points to the distinction upon which the power rests, and sustains the limitations inhering in it which we have stated. The principal instances except two or three, deal with either physical obstruction of the legislative body in the discharge of its duties, or physical assault upon its members for action taken or words spoken in the body, or obstruction of its officers in the performance of their official duties, or the prevention of members from attending so that their duties might be performed, or finally with contumacy in refusing to obey orders to produce documents or give testimony which there was a right to compel. In the two or three instances not embraced in the classes we think it plainly appears that for the moment the distinction was over looked which existed between the legislative power to make criminal every form of act which can constitute a contempt, to be punished according to the orderly process of law, and the accessory implied power to deal with particular acts as contempts outside of the ordinary process of law because of the effect such particular acts may have in preventing the exercise of legislative authority.....And of course in such case, as in every other, unless there be manifest an absolute disregard of discretion and a mere exertion of arbitrary power coming within the reach of constitutional limitations, the exercise of the authority is not subject to judicial interference...."

A significant practical limitation upon the Congressional contempt power is that the imprisonment for contempt of either House must terminate with the end of the session of the House.[31] This limitation, it was soon recognised, gravely impaired the effectiveness of the contempt power, particularly in regard to contumacious witnesses.[32] In 1857, the Congress, therefore, dealt with the problem by enacting a law making it a misdemeanor for any person summoned by the authority of either House to refuse to answer or to produce papers. Thus a criminal sanction was added to make the power to compel testimony more effective. The act of 1857 was upheld as constitutional in *re* Chapman.[33] In that case, the U.S. Supreme Court emphasized that the purpose of the 1857 statute was merely

31. A Commentary on the Constitution of the United States, by Dr. Bernard Schwartz, Vol. I, p. 123.

32. *Ibid.*

33. 166 U.S. 661 (1897).

to supplement the power of contempt, possessed by each House of Congress, by providing for additional punishment and that enactment of the statute does not affect the contempt power of the House itself, which continues unimpaired.[34] The U.S. Supreme Court has also held that the punishment of a recalcitrant witness through contempt proceedings by the House is not precluded merely because punishment may be inflicted for the same act as a statutory offence.[35]

In recent years, however, the Congress has practically abandoned its practice of utilizing the coercive sanction of contempt proceedings at the bar of the relevant House against contumacious witnesses, and has instead invoked the aid of the Courts in protecting itself against contumacious conduct.[36] It has become customary to refer 'contempt of Congress' cases against contumacious witnesses to the Department of Justice for criminal prosecution under the statute Law[37].

Judicial Review

It is settled in English law that a commitment for contempt by the House of Commons is not examinable by any Court.[38] The exclusion of *lex parliamenti* from the *lex terrae,* or law of the land, has precluded judicial review of exercises of the legislative contempt power.[39]

The American Courts have, however, never followed the English practice and precedents on the non-reviewability of the legislative exercises of the contempt power.[40] As Chief Justice Warren of the U.S. Supreme Court has stated: "Unlike the English practice, from the very outset the use of the contempt power by the legislature was deemed subject to judicial review[41]."

In *Kilbourn* v. *Thompson,*[42], it was contended that the contempt power of the U.S. House of Representatives was comparable in this respect to that possessed by the British House of Commons. The U.S. Supreme Court refused to follow this view and observed "the powers and privileges of the House of Commons of England, on the subject of punishment for contempts rest on principles which have no application to other legislative bodies, and certainly can have none to the House of Representatives of the United States."[43] In that case, the U.S. Supreme Court, while holding that both the investigation of the House of Representatives involved in the case and a commitment for contempt for refusing to testify in such investigation were invalid, observed:

> We cannot give our assent to the principle that, by the mere act of asserting a person to be guilty of a contempt, they thereby establish their right to fine and imprison him, beyond the power of any court or any other tribunal whatever to inquire into the grounds on which the order was made.
>
> The House of Representatives....is not the final judge of its own power and privileges in cases in which the rights and liberties of the subject are concerned, but the legality of its action may be examined and determined by this Court.[44]

[34] *Ibid.*
[35] *Journey* v. *Maccracken,* 294 U.S. at 151.
[36] A Commentary on the Constitution of the United States, by Dr. Bernard. Schwartz, Vol. I, p. 125.
[37] *Ibid.*
[38] *May,* 17th Ed., pp. 93 & 173.
[39] A Commentary on the Constitution of the United States by Dr. Bernard Schwartz, Vol. I, p. 124.
[40] *Ibid.*
[41] *Watkins* v. *United States,* 354 U.S. 178, 192 (1957), cited by Dr. Bernard Schwartz, in his Commentary on the Constitution of the United States, Vol. I,
[42] 103 U.S. 168 (1881).
[43] *Ibid,* at 189.
[44] 103 U.S. at 197 and 199 (1881).

Origin and Growth of the Legislature in Mysore

K. S. THIMMAPPA GOWDA
Deputy Secretary, Mysore Legislature Secretariat

Introduction

Mysore State can well claim to be the first State in India to take the initiative in the development of democratic institutions. At a time when representative institutions were not thought of in the rest of the country, His Highness the late Sri Chamarajendra Wadiyar Bahadur, grandfather of the present Governor of Madras established on August 25, 1881, by executive order the Representative Assembly consisting of representative Raiyats and merchants from all the taluks in the State in order that the views and objects of the measures adopted by the Government might be better known and appreciated by the people for whose benefit they were intended and that the actions of the Government be brought into greater harmony with the wishes and interests of the people.

The Representative Assembly

The first meeting of the Representative Assembly was held on October 7, 1881 under the Chairmanship of Dewan Sri C. Rangacharlu and was attended by 144 members. In the beginning, the meeting was held annually at the then Capital of Mysore immediately after the Dasara festival and the Dewan, who presided over the meeting as its President, was required to place before the Assembly a review of the previous year's administration and the programme for the coming year.

To begin with, the members of the Assembly were nominated by Government on the recommendations of the Deputy Commissioners of Districts, who selected at their discretion one or two of the leading and influential land-holders from each taluk and 3 or 4 merchants from each district. This method of selection continued till 1891 when the principle of election was introduced. According to the rules framed in that behalf in 1887, property qualification based on annual payment of land revenue, ranging from Rs. 50 to Rs. 500 according to the agricultural conditions of each taluk, was prescribed. This was meant to choose persons who could represent the average intelligent section of the community, understand what was placed before them by the Government in connection with the various measures, and give their opinion, representing thereby the popular view in the state. When the Assembly became elective its strength was fixed at 351 and members were elected from urban and rural constituencies, based on property and academic qualifications. Though not invested with any delegated authority or functions, the members were required to offer their suggestions and observations for the consideration of the Government and, to this end, they were advised to keep themselves acquainted with the wants and problems of the people. For example, the opinion of the Assembly was invited on important matters, like raising the famine debt in 1883; transfer of the local postal system to the Government of India, in 1885; and the scheme of State Insurance, in 1890.

In 1887 a few simple rules were laid down for the conduct of business of

the Assembly and according to them the members from each District were required to select subjects for discussion in the Assembly and also choose persons to speak on each subject.

The inauguration of the Assembly was hailed throughout India as a very progressive and beneficial measure and a Nationalist Weekly of Bombay went to the extent of suggesting that the British Government might do well to take a lesson from the enlightened Maharaja of Mysore. Lord Lansdowne, the then Viceroy of India, during his visit to Mysore in 1892 appreciated the good work done by the Assembly.

In the year 1894, there was a reform in the electoral system with a view to effect a more equitable distribution of seats in the Assembly. As consequence of this reform, the strength of the Assembly was reduced from 351 to 275.

His Highness Sri Krishnaraja Wadiyar Bahadur, after his installation in 1902, while addressing the members in 1903 summed up the work of the Assembly in the following words:—

> I trust that the membership of this Assembly which, I understand, has already come to be regarded as a privilege will, by your moderation and wise counsel, receive enhanced value at your hands and the hands of your successors in the years to come.

By certain amendments in the rules made in 1907, subjects to be discussed in the Assembly were required to be selected and determined at a preliminary meeting held at the headquarters of each district under the presidentship of the Deputy Commissioner, with a view to eliminate subjects of minor importance, which were within the competence of the Deputy Commissioner or other local officers, being brought before the Assembly. It is interesting to note that a representation made in that year to Government to take power to nominate retired officials as members of the Assembly was resented by them as affecting the representative character of the Assembly.

In the year 1916 His Highness the Maharaja sanctioned the holding of a second session of the Assembly every year and this became a regular feature from the following year.

The Assembly which was thus developing gradually, was placed on a statutory basis with enlarged powers and functions by Act XVIII of 1923. Under this Act, the membership was confined only to non-officials, although certain officers deputed by Government to attend the sittings could take part in the deliberations, but without the right to vote. The normal strength of the Assembly was fixed at 250, but Government had power to increase it up to a maximum of 275 with a view to removing inequalities, if any. The members were elected directly from rural and urban areas and to represent special interests like Education, Planting, Mining, Trade and Commerce and minorities like Mohammadans, Indian Christians and Depressed Classes. Provision had been made to return not less than 150 representatives from rural areas; not less than 30 and not more than 55, from urban areas; not less than 15 to represent approved special interests; and not less than 35 as representatives of minorities. All important measures of legislation and proposals for taxation were placed before the Assembly. In addition, the Assembly exercised the right of putting questions, and of moving resolutions, relating to the general principles and policy underlying the State Budget and on matters of public interest or importance relating to the administration of the State and of submitting representations to Government.

regarding the needs of the localities represented by the members.

The Dewan was the ex-officio President of the Assembly and the members of the Council (Cabinet) were ex-officio Vice-Presidents. The life of the Assembly was 3 years which could be extended by the Government for a period not exceeding one year. The quorum for a meeting was 70 members including the President.

The Legislative Council

The question of associating a certain number of non-officials with the process of law-making in a regular legislative body was urged by the members of the Representative Assembly in 1890, 1893 and again in 1906. In deference to the wishes of the representatives of the people, His Highness the Maharaja established a Legislative Council in the year 1907 in order to associate non-official gentlemen, qualified by practical experience and knowledge of local conditions and requirements with the actual process of law making.

The Council consisted of the Dewan as President, twoex-officio members and such number of additional nominated members, not less than 10 or more than 15, as might be fixed by Government from time to time, partly from officials and partly from non-officials. The term of membership was two years. The Council could consider legislative measures introduced in the Council except those affecting (a) the ruling family, (b) relationship of the Maharaja with the Paramount Power or with Foreign Princes or States, (c) matters governed by treaties, conventions or agreements etc. (d) extradition of criminals, (e) European vagrants, (f) European British subjects. (g) Post Offices. Telegraph and Railways, and (h) Mysore Military Forces. All laws or regulations made by the Council became valid only after they received the assent of the Maharaja.

By an amendment to the Act made in 1915, the Council was permitted to discuss the Annual Budget and put supplementary questions under certain conditions.

Following the recommendations of a Committee appointed under the chairmanship of Sir Brajendranath Seal, then Vice-Chancellor of the Mysore University, His Highness the Maharaja issued a Proclamation on October 27, 1923, announcing further constitutional reforms. By Regulation XIX of 1923 the Legislative Council was invested with enlarged powers and functions. The strength of the Council was now raised to 50, not less than 60, per cent of that number consisting of non-officials, and the remainder, of officials nominated by Government. Not less than two-thirds of these non-officials were members elected by rural, urban, and non-territorial constituencies like University, Trade and Commerce, Planting, Labour, Gold Mining, etc; and the remaining were nominated by Government to represent special interests and minorities.

The Council was permitted to vote grants and move cut motions. The duration of the Council was three years, but Government could extend it for a period not exceeding a year. One-half of the total members constituted the quorum.

The powers of the Representative Assembly were also at the same time enlarged by Regulation XVIII of 1923. It was now made obligatory on the part of Government to place the general principles of every Bill before the Assembly in the form of a statement, except in case of urgency, and to ascertain its opinion before introducing the Bill in the Legislative Council.

First Public Accounts Committee

On August 15, 1925, by a Government Order the first Public Acounts Committee for the purpose of dealing with the Audit and Appropriation Accounts of Government was constituted. This Committee consisted of 7 members of the Legislative Council with the Dewan as the Chairman. The first Report of the Committee was issued in the year 1926.

In response to a resolution passed by the Legislative Council in February 1927, the disqualification of candidates on the ground of sex was removed, thereby enabling women to stand for election to the Representative Assembly and the Legislative Council.

The functions of the two bodies—the Representative Assembly and the Legislative Council—were such that they were not designed to form part of a composite bicameral Legislature, but were more or less independent bodies with defined functions of their own. A Committee appointed in 1935 made some recommendations which were accepted by the Government. As a result of this, three standing Committees were formed, in respect of (1) Railways, Electrical and Public Works Department, (2) Local Self-Government, Medicine, Sanitation and Public Health, and (3) Finance and Taxation. Each Standing Committee consisted of 6 members—4 from the Reresentative Assembly and 2 from the Legislative Council. The member of the Executive Council in charge of the Department to which a Standing Committee related, was the Chairman of the Committee.

Constitutional Reforms

With the growth of political consciousness in the people as a result of the agitation carried on in the rest of India for the establishment of responsible Government, the State Government appointed in the year 1938 a Committee under the chairmanship of Shri K. R. Srinivasa Iyengar, for the purpose of examining the working of the representative institutions in the State and to formulate comprehensive proposals as to the further changes which might be desirable in order to secure the steady and harmonious constitutional progress of the State. The Report of the Committee was submitted to the Government on August 31, 1939, and on November 6, 1939, the Maharaja issued a proclamation embodying his acceptance of the several reforms suggested therein. The same day Government issued orders on the several recommendations of the Committee. The Government, while accepting the recommendations of the Committee for the continuance of the two institutions, observed "that the Representative Assembly embodies the oriental conception of Government while the Legislative Council represents its accidental conception. The two stand in a peculiar relationship to each other. They are not strictly coordinate, but supplement each other's functions".

In the matter of legislation, Government accepted the recommendation that a Bill should be first passed by the Assembly and then introduced in the Council and, after it was passed by the Council, sent for assent together with a statement of opinions expressed by the Assembly thereon.

The strength of the Assembly was raised from 275 to 310 with a view to providing better representation for minority communities and for economic and other special interests. Likewise, the strength of the Legislative Council was raised from 50 to 68, 44 places being filled by election. For the first time, the Council was given power to have a non-official as President in place of the Dewan and a non-official Deputy President in place of Member

of Executive Council (corresponding to a Minister).

The elected representative of the people were given a place in the Executive Council also so that the Legislature was able to influence the nature of the advice and assistance which the Executive Council tendered to the Maharaja. The Executive Council was now to consist of the Dewan and not less than 4 Ministers. Of the four Ministers not less than 2 were to be non-officials selected from among the elected members of the Representative Assembly and the Legislative Council; and these Ministers were eligible to hold any portfolio of the administration.

The above decisions of the Government on the recommendations of the Committee were subsequently embodied in an Act promulgated by His Highness the Maharaja on April 30, 1940. This Act known as the Government of Mysore Act, 1940, marked the turning point in the constitutional development of the State. Inaugurating the reformed Constitution of 1940 at a joint Session of the two Houses on June 9, 1941, His Highness the Maharaja said:

> Those who have watched the origin and growth of our political institutions have noted that Mysore has always been in the vanguard of progress. Our Representative Assembly was started 60 years ago when the principle of representative institutions was little known and practiced in the Continent, at any rate in Indian India.

As this form of government was being tried, a continuous agitation for the setting up of responsible government under the aegis of the Maharaja was being carried on in the State. Taking note of the wishes of the people, His Highness the Maharaja, by a proclamation issued on October 29, 1947, announced further reforms by expanding the Ministry and making it responsible to the Legislature and setting up a Constituent Assembly comprising elected representatives for the purpose of framing a Constitution Bill providing for responsible government for the State of Mysore.

Mysore Constituent Assembly

The Constituent Assembly of Mysore so constituted had drafted a Constitution for Mysore when political changes of a far reaching character were taking place in the rest of India. As a result of those political developments, a Constituent Assembly to frame the Constitution of India was established at the Centre and as that body was framing a Constitution for the whole of India, it was thought that there was no need to proceed further with the work of the Constituent Assembly of Mysore.

The Maharaja, by a proclamation on November 25, 1949, therefore, ordered that the Constitution of India adopted by the Constituent Assembly at the Centre shall be the Constitution for the State of Mysore, dissolved the two Houses of Legislature, *viz.*, the Representative Assembly and the Legislative Council with effect from December 15, 1949, and further ordered that until such time as the House or Houses of Legislature of Mysore had been duly constituted and summoned to meet for the first Session under the provisions of the Constitution of India, there shall be only one House of the Legislature to be known as the Legislative Assembly of Mysore and the Constituent Assembly of Mysore be converted as the said Legislative Assembly from December 16, 1949. The Notification issued by the Government, while dissolving the two Houses of Legislature, read:

> With the growth of political consciousness of the people of Mysore the powers and functions of these two Houses were enlarged together with a wider suffrage. The members of these Houses have always acted in the best interests of the State with commendable zeal and

patriotism and thus laid a foundation for democratic traditions. These two Houses have been unique in giving the necessary political training to the people of Mysore and rendering the transition to the new setup easy, natural and smooth.

Government wish to place on record their deep sense of appreciation of the invaluable services rendered by these Houses which have carved a niche for themselves in the history of Mysore.

Necessary amendments were made to the Government of Mysore Act of 1940 and the members of the Constituent Assembly of Mysore served as members of the Legislative Assembly of Mysore till the year 1952.

In 1950 when India became a sovereign democratic Republic, Mysore became an integral part thereof. With the adoption, by a Proclamation on 26th January, 1950, of the Constitution of India by His Highness the Maharaja of Mysore, the Legislative Assembly of Mysore functioning immediately before the commencement of the Constitution became the Legislative Assembly under Article 385 of the Constitution. In 1952 after the General Elections in Mysore along with the rest of India, two Houses of Legislature, *viz.*, the Legislative Assembly and the Legislative Council were constituted with a membership of 102 and 42 respectively. The Mysore State was treated as a Part B State till 1956 and the Maharaja continued as Rajapramukh of Mysore, appointed by the President of India. After the reorganisation of States in November 1956 the area of the State became almost doubled resulting in a corresponding increase in the membership of the Assembly from 102 to 209 and in that of the Council from 42 to 63. The State of Mysore was now treated on par with other States in India by the Constitution (Seventh Amendment) Act, 1956.

Above all (a Speaker) must have a deep-seated reverence for the institution of Parliament, a sincere respect for its traditions derived from a deeper understanding of what lies behind the outward ceremony, and unshakable faith in democratic government.

PHILIP LAUNDY in *The Office of Speaker.*

Estimates Committee of Lok Sabha

A REVIEW OF REPORTS PRESENTED DURING THE PERIOD 1950-57—(7)*

[*This is the seventh instalment of the Review of the Reports of the Estimates Committee during the period 1950-57, serialisation of which commenced with Vol. VII of the Journal. The Review, it may be recalled, is in six parts: (i) Economy and Efficiency; (ii) Financial Matters; (iii) Staff; (iv) Stores; (v) Certain Important Matters, including Policy; and (vi) Miscellaneous. The current instalment, which covers Chapter IV, deals with the recommendations of the Committee relating to Stores and Equipment.—Editor.*]

IV. STORES AND EQUIPMENT

Stores and equipment of various Government undertakings and institutions have been the subject of comment by the Estimates Committee in several of their Reports. Some of the important recommendations in this regard are given below:

A. Purchase and Supply

Purchase of printing machines through local agents or firms.

In their Fourth Report the Committee referred[1] to the purchase of printing machines for Government presses. They felt that other things being equal, printing machines should ordinarily be purchased from and through local agents and firms so that the machinery in Government Presses was installed free and also free service for a limited period and regular supply of spare parts was guaranteed. The Government Presses at present suffered from lack of such facilities and as a result machines broke down and remained idle for considerable periods.

Government replied[2] as follows:—

> Printing machinery is normally purchased through local agents and firms. The only deviation was made in respect of the requirement of the Director of Archives for one hand stylus tool (gold lettering pallet press) for which an indent was placed with Director General, India Stores Department, London as the item was not available locally.

Purchase of stores and equipment for River Valley Projects

Dealing[3] with purchases of stores, plant, equipment and machinery for multipurpose river valley projects, the Committee in their Fifth Report recommended that all such purchases should as far as possible be made through the D.G. Supplies and by the two purchase Missions in London and Washington. In this connection they further observed:—

> Wherever the Board has been given powers to make direct purchases up to a certain monetary limit the audit should see that the purchases made by the Board or officers direct were necessary and at reasonable rates and under favourable conditions. The audit authority should also comment whether it would have been advantageous if the purchase had been made through the Central Government.

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*Prepared by the Estimates Committee of Lok Sabha Secretariat.

[1] 4 R (EC-1LS) para 57, p 27.

[2]. 44 R (EC-ILS) p. 10.

[3]. 5 R (EC-ILS) para 117, p. 62.

Government stated[4] in their reply that the stores Purchase Rules, which make the purchases of plant and machinery above a certain monetary limit through the D.G., Supplies and Disposals obligatory, are being observed.

Indents for Railway stores placed on DGS & D.

In their Twenty-eighth Report on the Railways the Committee wrote[5] that the indents for stores placed by the Railways on the D.G.S. & D. were of three kinds—programme indents, which were normal approximate annual requirements; *ad hoc* indents for requirements over and above these included in the programme indents; and express indents which related to requirements to be supplied within a month or two. The figures relating to these indents showed that not only did the percentage of *Ad hoc* indents to Programme indents seemed high (128 in 1952-53; 86 in 1953-54 and 155 in 1954-55), it was also increasing during the period 1952—55:

The Committee remarked:

> The fact that so many '*ad hoc*' indents have been placed during each of the years 1952-53 to 1954-55 goes to show that there is not sufficient advance planning. The Committee feel that the Railway indentors should have a definite programme chalked out sufficiently in advance and intimate their requirements to the D.G.S. & D. who can then try to procure the articles in good time, on a planned basis.

Government in their reply stated[6] that the specific attention of the Railways had been drawn to this recommendation.

Purchase of Railway Stores from Small Scale and Cottage Industries.

The Committee also recommended[7] that in the matter of registration of contractors for supply of stores to the Railways, special concession might be given to small scale and cottage industries in order to give a fillip to those industries. They suggested that the matter might be examined in consultation with the Ministry of Works Housing and Supply.

Government in their reply stated[8] as follows:—

> A meeting was held between the representatives of National Small Industries Corporation and the Railway Board on March 7, 1958 and it has been decided that the regional Liaison Officers of the Corporation will furnish to the Controllers of Stores of Indian Railways in their respective areas, lists of small units recognised by the Corporation. These units will be automatically registered as approved suppliers with the Railways.

Use of Khadi in the Railways

The Committee recommended[9] greater use of Khadi on the Railways. In this connection they said:

> The Committee were informed that according to the latest reports, out of the total purchases of articles for which Khadi could be used, 90 per cent. was made in Khadi in 1954-55 and that the Khadi Board was trying to find out ways and means to meet the requirements of the Railways in full....[It has also been decided that the extra cost on the purchase of Khadi would be met to the extent of Rs. 50 lakhs a year]. The Committee are glad to note the encouragement that is being given to Khadi by the Railway Ministry and hope that the use of Khadi will be progressively increased in future. The Committee recommend that the details of the purchase of Khadi (quantity and value) should be regularly included in the Annual Reports of the Railway Board.

Government in their reply stated[10] that necessary action had been taken

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[4] 49R (EC-1LS) p. 19.

[5] 28 R (EC-1LS) paras 28—30, p. 12.

[6] 43 R (EC-2LS).

[7] 28R (EC-1LS) para 38, p. 15.

[8] 43R (EC-2LS) p. 12.

[9] 28R (EC-1LS) para 53, p. 20.

[10] 43R (EC-2LS) p. 18.

in the matter and information would also be included in the Railway Board's annual Report in future.

Lighting equipment for the Railways

Commenting on the purchase of lighting equipment by the Railways the Committee observed[11] that purchases had been made from a certain foreign firm which had been given a licence upto 1963 for manufacture in India of train lighting dynamos. The Railways did not have the detailed specifications of these equipments as they were the patent rights of the manufacturer. The Committee considered that information on the specifications of each and every type of equipment in use all over the Railways in India should be in the possession of the Central Standards Office (Railway Board). They recommended that alternative sources should be tried to obtain the specifications, if a particular firm was not agreeable to divulge the same, and that the Railway Ministry should also consider the desirability of placing their orders for such equipment with different firms from different countries as a measure of encouraging competition.

Government in their reply stated[12] as follows:—

> The Committee have instanced the grant of licence to a firm for the manufacture of train lighting dynamos. Besides this firm, another Indian firm has also been given a licence for manufacture of similar equipment. There is also a third firm (Indian) which has supplied a certain number of indigenously manufactured dynamos and whose performance is under scrutiny.
>
> In the background of para 128 it is presumed that specifications relating to proprietary items should be kept with Central Standards Office for Railways. In regard to proprietary items, the matter of validity of patent rights in this country is being examined by the Central Standards Office and their manufacture in the country will be actively pursued depending on the volume of the demand.

Indents for A.S.C. stores placed with D.G.O.F.

In their Fifty-sixth Report on Army Stores the Committee referred[13] to the purchases of A.S.C. Stores from the Ordnance Factories. Indents placed with the DGOF did not sometimes contain full technical particulars thereby causing difficulties to the Ordnance Factories. The Committee in this context observed:

> Full technical particulars such as drawings, specifications, samples, etc., which are vitally necessary to guide manufacture do not always accompany the forecast or the firm orders. Thus, back references become inevitable with consequent delay. Further, the Committee understand that very often the priorities assigned to the indents are changed and delivery dates are altered in successive reviews. The firm orders were also often said to stipulate impossible delivery dates on operational and other grounds. The Committee realise that the Services might have their own difficulties in regard to their provisioning system and in communicating their requirements to the D.G.O.F. but they feel that every endeavour should be made by them to reduce the resulting difficulties to the D.G.O.F. to the minimum.

Government in their reply stated[14]:

> The authority holding sealed particulars, who is also the final authority for inspection, normally holds the technical specifications. While advance indents may be sent by the indentors direct to D.G.O.F., the firm indents are sent through the Authority Holding Sealed Particulars to certify regarding correctness of particulars. In many cases it is correct that technical specifications do not exist. Such cases cannot be avoided and production has to be established to provisional drawings after making suitable prototypes. We are also intending to finalise procedure by which the availability of particulars will be settled between the Authority Holding Sealed Particulars and the indentor before the indent is released to the supplier. This may, however, not be possible especially in respect of a large number of spares for equipment which is already obsolete in the country of its origin. Production

[11]. 28R (EC-1LS) para 128, p. 40.

[12]. 43R (EC-2LS) pp. 43-44.

[13]. 56R (EC-1LS) para 49, p. 17.

[14]. 40R (EC-2LS) pp. 29-31.

in such cases will have to be undertaken by the DGOF on orders against provisional drawings to be supplied by the AHSP.

It is correct that priorities and consequently delivery dates are altered. In many cases, this happens because or the change in policy regarding scales of training and reserves etc. The priorities have also to be changed due to the inability of DGOF to supply the stores to the original schedule. This question was also considered in great detail by the Defence Production Board and it was decided that priorities will not be changed by the indentor without reference to the Defence Production Supply Committee of the Board wherein representatives of the indenting Services and DGOF would be present.

In the case of recurring orders for established items it has also been decided that in future the delivery dates indicated by the Services will be examined by the Controller General of Defence Production in consultation with the DGOF and where supply has not been possible within a stipulated time, a phased programme within the capacity of DGOF will be indicated to the indentor.

The Committee also endorsed[15] the following recommendations of the Stores Purchase Committee in regard to the purchase of imported stores and commended them for adoption, as far as possible, in the case of defence stores except for items like arms and ammunition and others which require Government to Government negotiations:

(i) Tenders should be invited from India;
(ii) Purchases should be made in India and contracts should be placed as far as possible in Indian currency;
(iii) Imported stores should be bought through India-based establishments.

Government stated[16] in their reply that the recommendation of the Stores Purchase Committee was considered by the W.H. & S. Ministry who had issued necessary orders with the approval of the Cabinet. While accepting the recommendation that Ministry had given suitable discretion to the Purchase Officers since it would not be advantageous under all circumstances to make purchases only in India and there would be cases where imported stores might have to be obtained directly from the manufacturers through our Purchase Missions abroad. Indents for Defence stores were placed on the Purchase Missions abroad only when the Stores were neither indigenously available from the manufacturers/stockists nor could they be manufactured by the Ordnance Factories/E.M.E. workshops.

Indents for recurring army stores placed with D.G.O.F.

In their Sixty-eighth Report on Ordnance Factories, the Committee said[17] that in the case of recurring items of army stores, indents were placed on a three-year rogramme basis, 12 months ahead or on the 1st April preceding the first year of requirement, covered in the programme. Previously the stores were indented on a year to year basis which caused delays in supply in this connection. The Committee's remarks were:

> The Committee are glad to note that this system which, they understand, also exists in the United Kingdom has at last been introduced though the necessity of long-term planning had long been accepted. At the same time they hope that the Services will be enabled to forecast their requirements on a realistic basis for the period now prescribed.

Government stated[18] that the importance of realistic provision had been impressed upon the Services.

Provisioning action by DGOF in case of repetitive items of stores

The provisioning[19] action for stores was taken by the Director General of

15. 56R (EC-ILS) para 55 p. 18.
16. 40R (EC-2LS) pp. 4-5.
17. 68R (EC-ILS) para 5, pp. 1-2.
18. 56R (EC-2LS) p. 2.
19. 68R (EC-ILS) para 8-9, p.2.

Ordnance Factories only on receipt of firm demands from the Services. This was taken rather late considering the time that was actually required for the stores to materialise. The Committee made the following recommendation in order to reduce the delay:

> The question of the Director-General of Ordnance Factories and Superintendents of Ordnance Factories being permitted to initiate action sufficiently early on the basis of the preliminary forecasts to the extent of 50 per cent of the demands indicated therein and, if possible even more, in case of repetitive items, may be examined.....Further, the Committee suggest that the question of the provisioning required to be dont at present by ordnance Factoris on a six monthly basis on receipt of firm demands being altered so as to cover the entire demand for the year of utilisation.

Government in their reply[20] stated:

> The general question of advance provisioning by D.G.O.F. and advance intimation of demand by the Services was considered by the Defence Production Planning Committee. Government have already issued orders enjoining the Services to place firm demands on the D.G.O.F. for recurring items on a three yearly basis. The question relating to the procedure to be adopted by the D.G.O.F. for the provisioning of materials in the light of these orders is still under examination of the Government.

Sound provisioning of stores

The Committee underlined the importance of sound provisioning in the following words[21]:

> The Committee would also invite attention to the following significant observations of the Stockholdings Committee:
>
> 'It is the general impression of the Committee that provisioning of stores and progressing of their utilisation are regarded unimportant and do not receive in factories the attention they deserve.'
>
> The Committee would suggest that the importance of sound provisioning should be impressed on all concerned, including the Services, the Director-General of Ordnance Factories and the Superintendents of Ordnance Factories.

Government in their reply stated[22] that the recommendation had been brought to the notice of all concerned, including the Services, the D.G.O.F. and the Superintendents of Ordnance Factories, and the importance of sound provisioning impressed on all of them.

Provisioning of stores in an emergency

The Committee said[23] that they understood that there was no prescribed procedure for provisioning of stores during emergencies (as distinct from provisioning during peace time) and that during the last war vast relaxations were allowed. The Committee felt that Government should examine the feasibility of laying down a specific procedure for stores provisioning in emergencies with such relaxations as were considered necessary, in order to obviate any hasty action in this respect.

Government in their reply[24] stated:

> The question of meeting the expanded requirement of the Services from indigenous production during an emergency including location of materials to alternative specifications is under constant review. The recommendation of the Estimates Committee made in this regard will be considered by the Defence Production Planning Committee appointed by the Defence Minister.

Suspension of manufacture of stores

The Committee also wrote[25] that they were given to understand that manufacture of some items was held up on account of suspension orders placed by the indentors. The Committee felt that such cases should arise only in exceptional circumstances and that they

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20. 56R (EC-2LS) pp.14-15
21. 68R (EC-ILS) paras 11-12, p. 3.
22. 56R (EC-2LS) p. 2.
23. 68R (EC-ILS) para 13, p. 3.
24. 56R (EC-2LS), pp. 16-17.
25. 68R (EC-ILS) para 91, p. 27.

should be investigated by higher authorities to examine in particular whether the original order was justified and also the reason for the suspension.

Government in their reply explained[26] the position as follows:

> Suspension of manufacture of items has to be ordered in certain cases when the requirements of the particular items have to be reviewed on account of any of the following reasons:—
>
> (i) *Ad hoc* changes in scales;
>
> (ii) Changes in equipment policy;
>
> (iii) Revelation of surpluses at the time of annual *ad hoc* reviews.
>
> Instructions have, however, been already issued that review in such cases should be carried out expeditiously and that no indent on the DGOF will be held on the suspension list for more than 6 months. After the expiry of that period the indents are to be treated as automatically cancelled unless instructions to the contrary are received by the DGOF within the above period.
>
> As suspensions put production programme out of gear instructions have been issued that suspension of orders should only be given effect to after concurrence of the C.G.D.P.

B. Disposals

Disposal of surplus stores of Central Tractor Organisation

The Committee dealt[27] with the problem of disposal of surplus stores of the Central Tractor Organisation in their Seventh Report. The Committee referred to the difficulty experienced by the Directorate General of Supplies and Disposals in accelerating the pace of disposal on account of the slow rate of declaration of surpluses by the C.T.O. and expressed the view that unless all the available surpluses were forthwith declared by the C.T.O. it would not be possible for the Directorate-General of Supplies and Disposals to prepare a uniform disposal policy. The Committee made the following recommendations in this regard:

> Early steps should be taken to declare the outstanding surpluses to the Directorate-General of Supplies and Disposals. With regard to the disposal of surplus goods, the Committee recommend the adoption of a positive policy. All efforts should be made to return such of the spare parts and allied equipment as are not required through the manufacturers' agents in India and such spares as are needed most may be obtained in exchange. The disposal of unwanted, unusable and unexchangeable surplus stores etc. should be expedited.
>
> The Committee further recommend that an Officer of the D.G.S. & D. should be asked to undertake an evaluation of all the surplus stores lying with the C.T.O. The Government should explore the feasibility of reverting to the earlier practice of allowing the CTO to dispose of its surplus goods without the intervention of the D.G.S. & D. If such a step should prove efficient and conducive to speedy disposal.

Government in their reply stated[28] that the C.T.O. had declared stores and machinery worth Rs. 81·03 lakhs as surplus till September, 1955 and that efforts for their disposal had been made through the C.T.O. and the D.G.S. & D. From August 1, 1951 to May 31, 1953 the C.T.O. had powers to do its own disposal; from April 1, 1953 to October, 1954 the disposal work was taken over by the D.G.S. & D.; and from October, 1954 the C.T.O. had been empowered to dispose of surplus stores directly without any restriction. There was a Disposal Committee constituted in the C.T.O. with the representative of the Ministry of Finance in it to expedite the disposal work. Actual experience showed that the C.T.O. could dispose of its goods quicker and at a better price than the D.G.S. & D. In regard

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[26]. 56R (EC-2LS) pp. 9-10.

[27]. 7 R (EC-ILS) para 26, p. 12.

[28]. 53R (EC-ILS) pp. 85-90.

to the declaration of all available surpluses Government stated as follows:—

> ....the C.T.O. is an engineering organisation working with a large fleet of tractors vehicles etc., For such an organisation, there can be no final lists of surplus goods. Goods which are in use today may become surplus tomorrow either because improved equipment is brought in or because the old equipment goes out of order and is no longer serviceable. The C.T.O. periodically adds to the list of surpluses available for disposal. We had declared enough goods for disposal to enable the D.G.S. & D. to follow a uniform policy. However now that the C.T.O. is to do its own disposal work, this difficulty will not arise.

Disposal of scrap on the Railways

In their Twenty-eighth Report the Committee observed[29] that scrap material worth Rs. 220 lakhs was lying with the Railways on March 31, 1955. If the Railways had taken serious steps in the matter, a substantial portion of this locked-up money would have been realised by them and become available for other urgent and useful purposes. The Committee suggested that the reasons for such heavy accumulation of scrap material should be properly investigated and suitable steps taken (i) to arrange for its expeditious disposal and (ii) to ensure that such heavy accumulations do not occur in future.

As regards the manner of disposal of the scrap material the Committee's observations were:

> The Committee understand that scrap material is auctioned once a year usually. Railways have to ensure that the stores are non-ferrous before the sale is effected, as ferrous scrap is to be disposed of according to the orders of the Iron and Steel Controller. The Committee recommend that a definite procedure should be fixed for facilitating the speedy disposal of scrap material. Storage of scrap for long periods would result in loss of material either on account of pilferage or incorrect accountal in the store books. The price fetched might also be lower....As regards non-ferrous scrap, the Railways themselves should take more energetic steps for disposal. Auctions should also be held at more frequent intervals, sub-committees of the Consultative Committees being associated with the auctions. In addition to circulation of the list of surplus stores amongst the various Railways, the Committee consider that it would be desirable to circulate the list of such stores amongst other departments of the Government of India, as also the State Governments, quasi-public bodies and associations of trade and industry, so that maximum utilisation of scrap material is made within the minimum possible time.

Government accepted[30] all these recommendations except the one to associate sub-Committees of the Consultative Committees with the auctions. About this, Government stated:

> These auctions are conducted by the Railway Auctioneers according to well-defined principles laid down in the Stores Code. Moreover these auctions are held in the presence of representatives of Stores and Accounts departments whose responsibility is to safeguard the interests of the administration.
>
> In view of this, it is difficult to visualise the usefulness of associating members of Consultative Committees with the work of conducting auctions on the Railways.

Commenting[31] on this reply the Committee observed:—

> The Committee consider the reasons given by the Ministry for non-acceptance as unsatisfactory, because the same betray lack of faith in the representatives of the public. In the present day democratic set up the association of the representatives of the public in every field of Governmental activity is considered desirable. Besides, the presence of such non-officials shield the officials against public criticise of all types, such as corruption, nepotism, inefficiency, etc. The Committee, therefore, suggest that the remaining suggestion may also be carried out, if necessary, by suitably changing the provisions of the Stores code in this respect.

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[29]. 28R (EC-ILS) paras 108-109, pp. 32-33.

[30]. 43R (EL-2LS) pp. 55-57.

[31]. *Ibid.* pp. 55-56.

Extent of holdings of defence stores in depots.

While dealing[32] with the extent of holdings of defence stores in depots in their Fifty Sixth Report, the Committee referred to the fact that the Railways Stores Enquiry Committee while examining the stock position in the various Railway Stores Depots had found that some items of stores were stocked in such huge quantities as to meet the requirement for 100 to 200 years. They also noticed that while some Railways were carrying excessive stocks of certain items, others were starving for them. The usual continuous process of review which was also provided for in the procedure laid down in the Railways did not bring out the startling state of affairs that the Railways Stores Enquiry Committee noticed. The Committee felt that the defence authorities should appoint a Committee to look into the question of stores holdings instead of depending on the normal process to eliminate the excess stock carried by the depots.

Government in their reply[33] stated that the question of setting up a Stores Enquiry Committee was under active consideration.

Disposal of surplus defence stores through DGS & D

The Committee observed[34] that the Stores Purchase Committee had considered the question of decentralising disposals work and transferring the responsibility for disposal to the stock holding departments. They had observed that a major portion of the stores disposed of through the central organisation belonged to the Defence Ministry. They considered that after a period of four to five years when the volume of defence surpluses was expected to fall, steps should be taken to decentralise the disposal activities entrusting the work to the respective stock holding Ministries or Departments. The Committee wrote thus regarding this matter:

> The representatives of the Defence Ministry were of the view that, by and large, disposals through the D.G.S. & D.. were better and they, therefore, did not favour the idea of taking upon themselves the work that is now being done by the D.G.S. & D. The Committee are doubtful whether the annual disposals would even after a period of four or five years, fall to the pre-war level. If the volume of surpluses available for disposal is large, it may not be convenient for the Defence authorities to attend to their disposals. Also, utilisation of surpluses against Government demands by means of consultation among other Government Departments, diversion to priority indentors and screening of fresh indents received in the Central Purchase Organisation with reference to the surpluses available, could be better assured if disposals are effected through a central disposal organisation. While, therefore, the Committee do not desire to make any definite recommendation, they would suggest that these factors should be given careful consideration before any final decision is taken to transfer the work of the disposal of surplus defence stores to the Defence authorities.

Government replied[35] that these suggestions had been noted.

Delays in declaring surplus defence stores

The Committee also observed[36] that there had often been delays in assessing the surpluses in defence stores depots. They observed in this connection:

> The representatives of the Ministry stated that sometimes it took considerable time to decide whether the item could be used or not. At times, the delay could also be due to proposals for variation of the size and the number of the units of Armed Forces being under consideration. The Committee would only refer to the instance of a number of army vehicles continuing to deteriorate in value because of the delay in taking

[32]. 56R (EC-ILS) para 105, pp. 38-39.
[33]. 40R (EC-2LS) pp. 65-66.
[34]. 56R (EC-ILS) para 125, pp. 46-47.
[35]. 40R (EC-2LS) p. 18.
[36]. 56R (EC-ILS) para 133, p. 49.

a decision regarding which of them are to be declared as unserviceable. The absence of a decision in this respect has obviously stood in the way of their being declared to the DGS&D for disposal or alternative of a programme being drawn up for their repair. The Committee consider this as very unsatisfactory and recommend that such cases should be dealt with expeditiously.

Government in their[37] reply stated:

> The recommendation of the Committee has been noted. It may, however, be mentioned that the question of disposal of vehicles held surplus to requirements has been receiving and will continue to receive constant attention. Since 1953, to D.G.S. & D. for disposal, out of which about 11,180 had been disposed of upto 30-6-1957. Action is now in hand to determine the number of repairable vehicles which are beyond economical repairs and also vehicles, whether serviceable or repairable which are surplus to our requirements. Such vehicles will be declared to D.G.S. & D. for disposal as soon as possible.

C. Inspection

Distinct Agencies for Supply of stores and their inspection.

In their Fifth Report on Multipurpose River Valley Projects the Committee observed[38] that an agency or associate agency which was responsible for supplying stores, plant or machinery was entrusted also with the duty of inspection of such stores. Referring to this the Committee said.

> The Committee cannot but view this arrangement with misgivings and recommend that such practices shoud be avoided in future. There should be separate distinct agencies for carrying out different functions mentioned above. Otherwise the whole process would be open to all kinds of abuse.

Government in their reply stated[39] that the recommendation had been accepted and necessary directions had been issued to the various project authorities.

Inspection of defence stores

In their Fiftysixth Report on Army Stores the Committee pointed out[40] that at time delays in inspections were believed to contribute to delays in receipt of supplies by the indentors. The Committee suggested that a review of the methods and procedure of inspection might be usefully undertaken by the Technical Directorate and it might be examined as a part of this review how far and in respect of which stores cent per cent inspection could be relaxed. Such a review should be particularly directed towards eliminating all delays, while prescribing the standard of inspection.

Government's reply[41] was:

> Periodical review of methods of inspection and procedure is made and the Inspection Instructions, Inspection Criteria as well as the procedure suitably modified accordingly. However, every effort will be made at indent scrutiny stage to avoid delay in furnishing proper particulars and in inspection and testing.
>
> The substitution of 100 per cent inspection by a reduced percentage or sampling inspection has already engaged that attention of this Ministry. Sampling inspection is being employed in all those cases where examination required distinctive or expensive testing. In all other cases, if it is found that 100 per cent inspection can be safely eliminated without any resultant loss to the State and also to the suppliers, sampling inspection will be resorted to in consultation with the users and Finance on one hand and the suppliers and others on the other.

Inspection of stores in Ordnance Factories

In their Sixty-eight Report on ordnance Factories the Committee dealt[42] with the inspection of stores in Ordnance Factories. The inspection of material required for the production of

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37. 40R (EC-2LS) pp. 18-19.
38. 5R (EC-ILS) para 137, p. 69.
39. 49R (EC-ILS) pp. 53 and 64.
40. 56R (EC-ILS) paras 83-84.
41. 40R (EC-2LS) pp. 11-12.
42. 68R (EC-ILS) para 115, p. 34.

stores was partly done by the factory inspection staff and partly by the service inspection staff. As regards inspection of finished products as well as stage inspection during manufacture, the entire inspection of non-service and non-lethal items of workshop manufacture was carried out by the Works Inspection staff of the Factory while in the case of service and lethal stores, the final inspection rested with the Service Inspectorate. Stage inspection, however, was done in some cases by the Factory Inspection staff and in others by the Service Inspectorate. By agreement with the Service Inspectorate the stage and process inspection was also in certain cases undertaken by the Factory's own inspectors. The Committee wrote as follows regarding this matter:

> The Committee understand that in the past there was duplication of inspection at certain stages, and that there was no uniformity of inspection in the matter of stage inspection by the three Services. While the Air Force were more inclined to concern themselves only with the final product and leave the stage inspecton to the Factory staff, the Army and Navy carried out intermediate inspection as well. This the Committee understand caused friction and delay. They were informed, however, that the question of bringing about uniformity in this matter by transferring intermediate inspection of all items of manufacture to the Factory staff (with the services having a right to carry out percentage checks at key points considered necessary by them) was being examined by the authorities The Committee hope that this might make for economy without leading to any lowering in inspection standards.

Government in their reply stated[43] that the remarks of the Committee had been noted.

D. Storage

Storage godowns for foodgrains

In their Sixth Report on the Ministry of Food and Agriculture the Committee referred[44] to the unsatisfactory storage godowns for foodgrains and wrote as follows:

> In the course of their visit, some members of the Committee noticed that some of the godowns at Sewari which were taken over by the Ministry of Defence are old ramshackle hutments (once used as cattle sheds) where a considerable damage to stored foodgrains took place in 1952. The Committee feels that attempts to repair these hutments by patches as has been recently attempted will not serve the purpose in view and will eventually be uneconomic. The Committee recommends that Government must make some other arrangements for the safe-storage of foodgrains.

Government in their reply stated[45] as follows:

> The cost of Sewari godowns together with expenditure on necessary repairs amounted to Rs. 3.1 lakhs. The godowns have a capacity of 13,000 tons and these are located very conveniently within the port areas, served both by road and rail. For similar accommodation, it would have been necessary for Government to incur an expenditure of Rs. 8 or even Rs. 10 lakhs. It would thus be seen that the acquisition of these godowns has not been an uneconomic proposition.

Stores for operational purposes to be stocked near field of operation

While dealing with the Directorate of Plant Protection, Quarantine and Storage in their Seventh Report, the Committee recommended[46] that stores for operational purposes for anti-locust operations should be stocked as near the field of operations as possible. They considered that Jodhpur by virtue of its proximity to desert areas was a better place for storage of equipment than New Delhi.

Government in their reply stated[47] that sprayers, dusters, insecticides and laboratory equipment worth Rs. 5·63

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43. 56R (EC-2LS) p. 12.
44. 6R (EC-ILS) para 105, p. 53.
45. 52R (EC-ILS) pp. 105-107.
46. 7R (EC-ILS) para 36(u), p. 23.
47. 53R (EC-ILS) pp. 43-44.

lakhs were maintained at New Delhi. They further stated:

> It will be appreciated that so long as these stores are kept, it is necessary to maintain sufficient staff to look after them.
>
> The stock of plant protection machinery maintained at New Delhi is not entirely meant for anti-locust operations. It is also required for control of other pests and plant diseases. There is already a store of plant protection machinery at Jodhpur and Bikaner in the desert areas to fight the locust menace. It will not be practicable or advantageous to shift all the stores meant for pest control operations to the desert areas for the simple reason that the Directorate has also to assist in the control of pests other than locusts in other places in the country.

Construction of pucca stores depots on the Railways

In their Twenty-eighth Report the Committee emphasised[48] the need for having proper storage facilities for Railway Stores:

> There are a number of stores depots which are not properly planned out pucca depots, but only make-shift arrangements. The Committee suggest that each Railway should make a proper survey of their permanent requirements of the stores depots and take steps to build them at properly selected places, providing for suitable stocking of material, free from chances of wastage, deterioration or pilferage. The Committee attach considerable importance to this suggestion because of the following observations of the Railway Stores Enquiry Committee (1950-51):
>
> 'Ordinary standards of neat housekeeping which would be expected in a normal stores depot are not being observed.'
>
> The Committee suggest that the Railways should bear these observations in mind while creating new construction depots for collecting stores during the Second Five Year Plan.

Government in their reply stated[49] that the Railways had already been instructed regarding the construction of new depots and extensions to the existing maintenance depots for stacking materials required during the Second Five Year Plan. Plans had been finalised by the Railways and the work was in progress. This recommendation had also been brought to the notice of the Railways.

Proper storage depots for defence stores

Referring to storage facilities for defence stores the Committee in their Fifty-sixth Report observed[50] that one common feature of these Stores Depots was that most of them were located in temporary buildings or hutments or sheds put up during war days. Many of these structures were even beyond economic repair. This coupled with the fact that no permanent accommodation was constructed during the post-war years had resulted in vast quantities of stores lying in the open. The position was particularly unsatisfactory in the case of costly M.T. Vehicles, left behind after the last war. Covered accommodation required to protect these stores from sun and rain was estimated at 2,17,17,263 sq. ft. So far as engineering stores were concerned, about one third was in the open. As far A.S.C. and M.&V. stores, the position was much better, although permanent accommodation available for these categories of stores was very little as compared to their requirements. Commenting on this the Committee wrote:

> The representatives of the Defence Ministry who gave evidence before the Committee were however not certain whether they would be able to provide similar accommodation for all items of stores in the foreseeable future, in view of the magnitude of the problem. This question, it was explained, was also linked up with the question of the permanent location of the depots and of the extent of the stocks that should be kept, both of which are further linked up with certain other policy questions. Whatever the reasons, the Committee feel

[48]. 28R (EC-1LS) paras 91-92, p. 28.

[49]. 43R (EC-2LS) pp. 22-23.

[50]. 56R (EC-1LS) paras 99-101, pp. 36-37.

that the question had not received the urgent attention that it nearly deserved. They recommend that the question of the permanent location of depots and of providing permanent accommodation for valuable stores should be tackled on a priority basis and a phased programme spread over a number of years should also be drawn up urgently for providing covered accommodation for various other items of defence stores, which are likely to deteriorate in value or become unserviceable by lying in the open.

Government in their reply stated[51] that Government were fully aware of the difficult situation arising from inadequate covered accommodation in Ordnance Depots and of the consequent danger of deterioration of stores, if allowed to remain without proper storage accommodation. All possible steps were being taken to improve the situation. Permanent locations of almost all the Depots had been finalised and a phased programme for the construction of permanent accommodation had been drawn up and was being implemented to the extent funds were available.

The Committee also noticed that while on the one hand there was a pressing need for covered accommodation on the other hand there was covered accommodation to the extent of over 15 lakhs sq. ft. lying vacant in various depots. Sometimes even in the neighbourhood of depots, stores were lying in the open. The Committee observed[52] in this connection:

While the Committee do not wish to make any comments on these aspects of the problem, they recommend that a special review may be made not only in respect of each individual depot, but also of the overall position in all the depots to determine to what extent available accomodation can be put to the best use. It might be mentioned in this connection that it appeared to the Sub-Committee at one depot which they visited that by the use of small cranes and other handling devices, stocking could be done to a greater height thereby increasing the usable volume of covered space. The Committee consider that all cases of vehicles, stores etc. lying in the open, when in fact covered accommodation was available in the neighbourhood, should be looked into and sufficient steps taken to remedy the situation by undertaking a review as suggested above

Government in their reply stated[53]:

The review of over-all position in respect of the covered accommodation in Ordnance Depots is now being carried out regularly every month, instead of every six months as was done in the past and, where necessary, adjustments of accommodation are carried out within the depot and also between different depots. The periodicity of the reviews has been changed with a view to reviewing the position more frequently. In order to ensure that the maximum use is made of the existing covered accommodation, instructions have been issued to all concerned that the stores should be stacked to the maximum height possible and gangways/passages should be kept to the absolute minimum. Senior Officers of M.G.O. Branch visiting the various depots are given the storage accommodation statements with a view to checking that covered accommodation is not lying vacant for any avoidable reasons. The vacant accommodation is constantly being reallocated where two Ordnance Installations are located adjacent to each other and no administrative inconvenience is involved.

It may, however, be mentioned that a certain amount of covered accommodation will always remain vacant due to fluctuations in issues and receipts, and the necessary for earmarking accommodation for valuable equipment spares expected to be received as a result or orders already placed. At present about 9 lakhs sq. ft. of covered accommodation is lying vacant in various ordnance and ammunition depots, which represents approximately only 4.5 per cent of the total covered accommodation available in the depots. The figure of 9 lakhs sq. ft. also includes accommodation lying vacant on account of the sheds having been handed over to the Military Engineering Service for special repairs.

Storage of stores in Ordnance factories

Dealing with storage in Ordnance Factories the Committee in their

[51]. 40 R (EC-2LS) p. 12.

[52]. 56 R (EC-1LS) paras 102-103, pp. 37-38.

[53]. 40 R (EC—2LS) pp. 13-14

Sixty-eighth Report wrote[54] that they had been informed that with the recent provision of additional storage accommodation and disposal of some of the surplus stores, almost all the stores in the Ordnance Factories were under cover. The stores were held locally by each Ordnance Factory to meet its own requirements of stores and there were no central depots to serve various Ordnance Factories. Since each factory generally procured its own requirements of stores directly, except items costing over Rs. 1 lakh, the existing arrangement was considered quite satisfactory. Moreover, it was felt by the authorities that the problem of storage accommodation would also arise under any other arrangement. The Committee recommended centralising some of the stocks of stores and in this connection said:

> The Committee feel that in view of the very large stocks of materials/components held in the Ordnance Factories, which are surplus to current production and are held only as war reserve stocks the feasibility should be examined of centralising at some places the custody of those stores which are required by most factories and are in excess of their annual requirements as well as of stock-pile items. They feel that under this arrangement considerable factory stocks might be transferred to central stocks and storage accommodation therefor could perhaps be found, from out of the existing storage accommodation in the Ordnance Factories. Further, it might also serve to eliminate, to a great extent the present disparities or stores-in-direct-charges levied in different Ordnance Factories and also improve the tone of stores administration in the Factories.

Government felt[55] that although centralised storage had certain obvious advantages there were also many disadvantages which in the balance outweighed the advantages. Some of the disadvantages were:

(i) Considerable capital expenditure to build new storage buildings to meet requirements of centralisation.

(ii) Likely delays in production due to delays in transit during emergencies.

(iii) Impracticability, even in case of non-perishable stores of segregating war reserve stocks and holding them for indefinite periods.

(iv) Central storage would entail duplication of testing facilities (one at the Central Stores and one at the Ordnance Factory) in the case of materials of non-perishable nature which required periodical testing.

In view of the above considerations Government felt it was not possible to centralise the war reserve stocks of all Ordnance Factories at one place.

E. Indigenous Stores

In several of their Reports, the Committee have laid stress on the importance of utilising indigenously produced stores and equipment and the need to encourage the production of various articles in India. The following are some of the important recommendations made by the Committee in this regard.

Self-Sufficiency in the production of rolling stock for Railways

In their Twenty-first Report on the Railways, the Committee emphasised[56] the need for self-sufficiency in the production of rolling stock for Railways in the country. During the First Five Year Plan of the Railways, 50% of the expenditure was on procurement of rolling stock and most of these were imported. During the Second Plan one-third of the total ex-

54. 68R (EC—1LS), para 20-21 , pp 5-6.

55. 56R (EC—2LS), pp. 18—20.

56. 21R (EC—1LS), paras 132—133, pp 40-41.

penditure was likely to be incurred on purchase of rolling stock. The Committee remarked that the paramount necessity of building up indigenous capacity for the manufacture of rolling stock for Indian Railways was, therefore, obvious and needed no stressing. It would not only assist in saving foreign exchange, but would also give a great fillip to indigenous industries and create employment. They further observed:

> The Committee are glad to observe that the Railway Ministry has appointed a special committee, called the Railway Equipment Committee, to examine and offer suggestions for the development of indigenous capacity for the manufacture of Railway stores including Rolling stock and their components. Development of indigenous capacity for the manufacture process and in the interim period, some imports of Rolling Stock from various countries will have to be resorted to. The Committee, however, suggest that the recommendations of the Railway Equipment Committee should be given topmost priority and the indigenous capacity in the country stepped up as expeditiously as possible with a view to reduce substantially the expenditure on imported Rolling Stock....The indigenous capacity required to be created in the country will no doubt depend on the final shape of the Second Five Year Plan of Indian Railways. As soon as the Plan is finalised, the Railways should lose no time in taking action for building up the indigenous capacity, so that by the end of the Second Five Year Plan, the country becomes more or less self-sufficient as far as the requirements of Rolling Stock and their components are concerned. As a matter of fact, the Committee visualise the possibility of India supplying Rolling Stock to the other neighbouring countries at a not very distant date.

Government stated[57] in their reply that necessary action was already being taken on the interim recommendation of the Railway Equipment Committee relating to wagons and coaching underframes. The final report of the Committee had since been received and the examination of their recommendations would be finalised with the least possible delay. As regards self sufficiency in rolling stock, Government stated that the indigenous capacity for manufacturing wagons was being increased from 20,000 to 28,000 per annum. Coach bodies were made in Railway Workshops, H.A.L., and Jessops and integral type of coaches were produced in I.C.F., Perambur. I.C.F. was expected to reach its full production of 350 coaches in 1961. A metre gauge coach building factory was also being set up. Steam locomotives were being manufactured by C.L.W. and by Tatas. The question of building electric locomotives at C.L.W. was under examination. Loco components which could be manufactured in Railway workshops would be produced in the components factory which was being put up at Banaras. Government stated that the Committee's recommendations were, therefore, in the course of implementation.

Production of various components for Rolling Stock

The Committee also recommended[58] that the Railways should encourage production of various components required for building rolling stock in the private sector with a view to (a) reduce the pressure on major manufacturing projects and (b) to encourage the development of local industries round about the major projects in the private sector.

Government in their reply stated[59]:

> Loco components required by the Railways and which are beyond their capacity will be produced in the components factories which are being put up. There is no need for setting up production units for the manufacture of spare parts for coaching and goods stocks as the additional wagon repair shops being set up in the second Five Year Plan will also provide the addifional capacity for spare parts. In the meantime, such of

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57. 27R (EC—2LS) pp. 52—56.

58. 21R (EC—1LS) para 141, p. 43.

59. 27 R (EC—2LS) p. 77.

the imported components as can be developed in the private sector will be done on the basis of the recommendations of the Railways Equipment Committee whose final report has just been received

Indigenous manufacture of Railway stores

Commenting[60] on the contribution of the Railways towards industrialisation of the country the Committee observed that this was two fold: (i) They assisted in the growth of new industries by taking raw materials required to the site of the industry and by distributing finished products to the various consuming centres and (ii) Rail communications by themselves were a highly specialised industry, the development and manufacture of which required a large number of ancillary industries. The Railways could, therefore, give a great fillip to the industrialisation of the country be creating indigenous capacity for the manufacture of thousands of items of stores required by the Railways.

Catalogue of imported Railway stores

The Comittee observed[61] that the engineering industry in general and the prospective manufacturers in particular were generally unaware of the estimates of Railway requirements, and considered it necessary that future requirements (for the next five years at least) should be worked out and given considerable publicity. The Committee understood that such information with regard to important imported items and major items of indigenously manufactured stores, which had been or were likely to be in short supply, had been collected and that the Railway Board proposed to bring out a printed catalogue in this connection and make it available to all who were interested in taking up manufacture of railway equipment. The Committee suggested that the issue of this printed catalogue might be expedited.

Government in their reply[62] stated that a catalogue showing rough estimates of future requirements of imported railway equipment and important indigenous railway stores in short supply had already been published and made available for sale to the public at Rs. 2/- each at the Railway Equipment Showrooms and from all the Controllers of Stores of Indian Railways.

Showrooms for displaying imported Railway Stores

At the suggestion[63] of the Railway Equipment Committee, showrooms had been opened at important centres such as Calcutta, Bombay, Madras and Delhi for the display of representative samples of imported railway equipment and indigenously manufactured stores which were in short supply. Commenting on this the Committee observed:

> The Committee were given to understand that these showrooms were of a temporary nature and probably would function during the term of the Railway Equipment Committee, but the latter had suggested the continuance of the showrooms until the Central Purchase Organisation took them over. The Committee recommend that the showrooms should not be closed down on any account. The Committee suggest that the showrooms should be taken over by the Central Purchase Organisation within a specified time and should be gradually expanded to exhibit all the requirements of the Government in various Departments. There should be a guide book giving a brief description of the important articles exhibited in the showrooms, which should be made available to the visitors and to industrialists and the general public at a nominal cost.

Government in their reply stated[64]:

> Arrangements for the permanent exhibition at New Delhi have been finalised by

60. 28 R (EC—1LS) para. 1, p. 1.

61. *Ibid* para 12, p. 5.

62. 43 R (EC-1LS) p. 8.

63. 28 R (EL—1LS) para 13-14, pp. 5-6.

64. 43 R (EC—2LS), pp. 33—35.

the Ministry of Commerce and Industry, and the Railway Ministry have been allotted a floor space of 2300 sq. ft. for the display of Railway Stores, Necessary instructions have been issued to Northern Railway to participate in the above exhibition on behalf of this Ministry.

Guide books containing a brief description of articles exhibited, in the Show Rooms have been printed and are available to the visitors, at the Showrooms generally free of cost.

Price preference for indigenous stores

The Committee dealt[65] with the question of price preference for indigenous products. The Stores Purchase Committee had recommended 15% price preference generally over imported stores, sometimes going upto 25% or more in certain cases. This recommendation had been accepted and implemented by Government. The Railways too were acting upon the recommendation so far as the purchases by them under emergency circumstances were concerned. The Committee understood that due to the price preference, supplies from indigenous sources were forthcoming to a greater extent. Also, due weightage was being given to the supplies with a large proportion of indigenous components. While purchasing the imported stores, the Committee were informed by the D.G.S. & D., it had been decided that if indiginous goods of the quality required were available and were within the delivery period, the price factor should not be allowed to stand in the way of getting supplies from indigenous sources. Where, however, the deliveries were likely to be so protected that essential works would be held up or where, because of its monopoly, the indigenous sources quoted exhorbitant prices, the D.G.S.&D. had not hesitated to import. The Committee in this connection observed:

The Committee would like the purchasing organisation of the Railways to keep this recommendation of the Stores Purchase Committee about giving price-preference to indigenous products constantly in view. Any complaints about non-compliance of this recommendation should be promptly and properly investigated by the higher authorities.

Government replied[66] that necessary instructions had been issued to the Railways and the Estimates Committee's observations had also been brought to their notice.

Relaxation of standards in regard to indigenous products

The Committee also urged[67] that standards should sometimes be relaxed where possible in order to encourage Indian products. The Committee understood that there were articles, which even though available from indigenous sources, were purchased from foreign countries on the plea that they were not upto the requisite standard or quality. Referring to this the Committee wrote:

It was represented to the Committee that, for instance, the indigenous paints were not encouraged on the ground that they did not come up to the standard of the brand of paints which Government Departments had been accustomed to use for so many years. In the case of ply-belting, the Committee were informed that the material produced in the country was of inferior quality and that the Railways had to depend on foreign belting. The Committee suggest that even though Indian paints lasted one year instead of for a longer period for which the foreign paints lasted and even if it was necessary to give more coatings, Indian paints should be preferred, because the money spent would remain within the country. Similarly, in the case of ply-belting, the Committee suggest that the Railways should ensure that the indigenous factories do not have to close down for want of orders. Standdards of quality can be determined in consultation with the Indian Standards Institution. The quality of the indigenous material receiving such encouragement is bound to improve in course of time.

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[65]. 28 R (EC-1LS) paras 54, 55, p. 21.

[66]. 43 R (EC—2LS), p. 18.

[67]. 28 R (EC—1LS), para 56, p. 21.

Government in their reply stated[68]:

> The demand for both paints and ply-belting is at present being met from indigenous sources. Sufficient capacity exists in the country both in respect of paints and ply-belting to cater for Railways demands. The quality of some supplies of paint was found to be unsatisfactory and the purchases had thus to be restricted to indigenous firms whose paints are up to the required standard and specifications. This, however, would not result in the purchase of imported paints.

Setting up of subsidiary industries in the private sector to produce loco parts

In their Thirty-second Report the Committee observed[69] that, at the Chittaranjan Locomotive Works, all processing shops had been fully developed and, given the basic materials, 100 per cent. of the components for production of a locomotive could be manufactured. At present, a certain quantity of some of the components which were produced in Chittaranjan Locomotive Works were also obtained from outside sources to maintain optimum production from Chittaranjan Locomotive Works. The Committee suggested that the question of setting up subsidiary industries in the private sector for the manufacture of such of the parts as were not manufactured in the Chittaranjan Locomotive Works should be given prompt attention.

Government in their reply stated[70] that the procurement from subsidiary industries of components not manufactured by C.L.W. had been under their active consideration for some time and substantial numbers of components were being procured from the private sector already. With a view to obtaining a greater response from the private sector for setting up subsidiary industries, Chambers of Commerce and Engineering Associations were approached by C.L.W. but the response had been rather poor. Considerable progress had, however, been made in developing capacity with the existing indigenous units for manufacture of components which had to be imported in the past.

Hundred per cent indigenous manufacture of Locomotives

The Committee also recommended[71] that the Railway Ministry should make special efforts to set up indigenous industry for the supply of components that were being imported from abroad for the manufacture of locomotives. Private industrialists or artisans should be given special encouragement for this purpose. The Committee hoped that by the end of the Second Five Year Plan, Chittaranjan would be able to manufacture hundred per cent Swadeshi locomotives.

Government stated[72] that the recommendation had been accepted and that a Development Co-ordination Cell had already been set up in the Railway Board's Office which would encourage the development of the required capacity in close collaboration with the Development Wing of the Ministry of Commerce and Industry on the one hand and the prospective manufacturers on the other.

Use of ply-belting by Railways

In their Thirty-third Report the Committee wrote[73] that they understood that the Railways were not using indigenous ply-belting, as it was said to be of 'inferior quality' and instead, were importing the same from outside. The Committee felt that the Research Organisation should study the defects

68. 43 R (EC—2LS), pp. 18—19.
69. 32R (EC—1LS) para 38, p. 9.
70. 74 R (EC—2LS), pp. 17-18.
71. 32 R (EC—1 LS) para 41, p 10.
72. 74 R (EC—2 LS), pp 18-19.
73. 33 R (EC—1 LS) para 28, p. 10.

in the Indian made ply-belting and advise the manufacturers to remove the same so that the indigenous factories might not have to close down for want of orders.

Government stated[74] in their reply that the Railway demand for ply-belting was at present being met from indigenous sources. The industry had sufficient capacity for Railway needs.

Manufacture of indigenous signalling equipment for Railways

The Committee also recommended[75] that the Railway Ministry should take special measures to build up indigenous capacity for manufacturing signalling equipment in the country.

Government in their reply stated[76] as follows:

> The following steps have been taken for the manufacture of the signalling equipment in the country:
>
> (i) Private firms have been encouraged to take up the manufacture of signalling equipment. Their response has been very encouraging. D.G.S. & D. are negotiating with the prospective manufacturers of signalling equipments for placing running contracts for important items of which there is a short supply in the country.
>
> (ii) The existing signal workshops on Railways are being expanded and modernised. This is with a view not only to cover increased maintenance requiremands of equipment required or new works which are now being held up works which are now being held up because of inadequate supplies from private manufacturers in the country.
>
> (iii) For developing indigenous manufacture of signalling equipment which are at present imported, the Development Cell formed in the Ministry of Railways is placing development orders for such items whenever interest is shown by prospective indigenous manufacturers.

Indigenous manufacture of good quality crockery

In their Thirty-fourth Report the Committee dealt[77] with the question of indigenous manufacture of good crockery.

> In regard to crockery, the Committee were informed that the main difficulty was that the quality of Indian crockery did not compare favourably with that of the crockery imported from abroad and that it chipped easily. The Committee were told that the entire crockery for the Asoka Hotel had been obtained from foreign sources. The Committee regret to learn that in spite of the recognised policy of encouraging indigenous and small scale industries, the Government should consider it necessary to import foreign crockery and thus set a bad example to the hotel industry.
>
> The Committee do not see any reason why the quality of Indian crockery cannot be brought to an acceptable standard. The Committee, therefore, recommend that the practice of issue of import licences for buying foreign crockery should be stopped and the Development Commissioner of the small scale industries should be asked to investigate the problem immediately and take steps to see that the requirements of crockery of the acceptable standard are fully met from the indigenous sources. The Committee do not approve the frittering away of the limited foreign exchange in buying consumer goods which are readily available in the country.

Government in their reply[78] stated that the recommendation had been accepted and would be borne in mind while recommending import licences to hoteliers. Government also stated that the Development Commissioner, Small Scale Industries had taken the following steps to improve the standard of

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74. 91 R (EC—2LS) pp. 6-7.
75. 33 R (EC—1LS) para 60, p. 19.
76. 91 R (EC—2LS) p. 12.
77. 34R (EC—1LS) Para 114, p 33.
78. 52R (EC—2LS) pp. 79—81

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75. 33 R (EC—1LS) para 60, p. 19.
76. 91 R (EC—2LS) p. 12.
77. 34R (EC—1LS) Para 114, p 33.
78. 52R (EC—2LS) pp. 79—81

manufacture and development of the ceramic industry; (a) A training-*cum*-production centre for cups and saucers had been set up at Khanapur in the Western region; (b) A proposal for setting up an extension centre for ceramics at Belgoria in the eastern region was under consideration; and (c) In general, technical officers of the institutes went round and rendered advice for improvement on-the-spot to the small scale manufactures. He had however, pointed out that the production of crockery was not at present upto the standard as might be acceptable tc big hotels catering to foreigners. It was, therefore, proposed, pending improved production—qualitatively and quantitatively—of crockery by the indigenous manufacturers, to import a nominal quantity of foreign crockery for replacement of crockery damaged in constant use.

Commenting on this reply[79] the Committee said:

> The Committee, while welcoming the steps taken to improve the standard of production of crockery in the small scale sector, consider that it is desirable that Government should take urgently more direct and positive steps to encourage production of high standard crockery indigenously in order to prevent or reduce the flow of foreign exchange on its import. They, therefore, recommend that the possibility of having the crockery of required standards produced by large scale manufacturers might also be explored in consultation with them.

Indigenous flashes for light houses

In their Forty-seventh Report on Lighthouses the Committee observed[80] that the Lighthouse Department had developed an acetylene flasher which showed great promise and passed successfully several trials. The cost of these flashers also compared very favourably with that of the imported ones.

The Committee recommended that, henceforth, only indigenously manufactured flashers should be utilised by the Lighthouse Department, and their imports from abroad completely stopped.

Government in their reply[81] stated:

> The recommendation is accepted by Government in principle. Production of these flashers in the Lighthouse Workshops is bound to be slow in the beginning. These flashers have besides certain inherent limitations, particularly in respect of maximum effective beam intensity. They cannot also be utilised at stations where fully automatic working is essential. Certain types of flashers will still therefore continue to have to be imported from abroad.

Manufacture of defence stores in civil production units

In their Fifty-sixth Report on Army stores the Committee observed[82] that for certain modern types of arms and ammunitions as well as a number of items of special equipment, the army would have to depend upon imports for some considerable time to come. The technological and industrial progress of the country should, however, enable to army to procure more and more of their requirements from indigenous manufacture. The Committee further observed:

> The Defence authorities could also actively help and encourage technological and industrial advance by interesting the Indian industrialists as well as the civil production units in the public sector in the manufacture of various items of stores. It is well-known that for a long time there has been very little coordination between the Defence organisation and the civilian life of this country. Defence supplies did not rest squarely on

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79. *Ibid* para 1, page 1.

80. 47 R (EC—1LS) para 67, p. 24.

81. 41 R (EC—1LS) para 67, p. 24.

82. 56 R (EC—1LS) para 57, pp. 19-20.

indigenous production, as it should in all independent countries. Conditions during the last war brought to the forefront the imperative need to organise civil, industrial and manufacturing potential for ensuring supplies to the defence force; but little was done to develop permanently such potential in the country.

To a very large extent, the civilian needs and the defence needs of a country go hand in hand and the Committee have no doubt that a conscious effort in the right direction by the defence authorities would, while encouraging industrial and manufacturing activity in the country, be a great step towards self-sufficiency in the matter of defence requirements of a large number of items. This is of vital importance as in an emergency an individual country like India can hardly expect to look for imports to materialise.

What the Defence authorities can do in this respect was amply demonstrated during the last war, when, it is understood, the technical staff of the late Directorate General of Munitions Production regularly visited all the factories, big or small, in India not only to estimate their capacities but also to tender advice for developing the production of defence stores. The Committee consider that such a sense of urgency together with initiative and drive on the part of the authorities concerned should exist or be consciously developed and kept at high level at all times, even in normal peace-time. This is particularly necessary in an under-developed and by no means self-sufficient country like ours.

Government in their reply[83] stated follows:—

The Ministry of Defence do appreciate that a substantial portion of the defence requirements of stores|equipment should be met from the civil sector, both private and public, so that in the event of an emergency the industrial potential of the country may be expanded without much difficulty to meet the increased demands of the Services. The Ministry has, therefore, taken various steps to obtain the assistance of the private industrialists as well as the civil production units in the public sector for the manufacture of defence stores/equipment. The various Technical Development Establishments maintain close liaison with the civil trade with a view to giving them technical advice for the development of manufacture of defence stores|equipment, whenever necessary.

Price preference for indigenous defence stores

Dealing with price preference for indigenous defence stores the Committee wrote[84] that D.G.S & D. had been authorised to allow price preference upto 15 per cent for indigenous products over imported ones. In special cases this might even go upto 25 per cent. The Defence authorities were also permitted to allow the same concession while making direct purchases. The Committee felt that this was a very valuable and important concession and should go a long way in assisting indigenous industry. They proceeded further to observe:

The price preference should be shown in all deserving cases, especially in cases where indigenous industry is in the process of stabilising itself but is not immediately in a position to compete with foreign manufacture. However, where a single firm or a group of firms hold a monopoly, the price preference, as recommended by the Stores Purchase Committee, should be given after ascertaining the cost of manufacture. The Committee feel that by giving an initial price preference they would be helping to stabilise the industry to progressively forego the concession, until the price preference is finally eliminated. They were told by a private industrialist of repute that this has actually been practised and found successful by many industrialists in the private sector. The Committee feel that if the indentors in the public sector took direct interest in the matter such action would be possible and would impel the indigenous manufacturers to raise their standards and lower their costs.

Government stated[85] that instructions had already been issued by the Ministry of Works, Housing and Supply with

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[83]. 40 R (EC—2LS) p. 5

[84]. 56 R (EC—1LS) Para 69, p. 24.

[85]. 40 R (EC—1LS) Para 70. pp. 24, 25.

regard to the grant of price preference to indigenous products over the imported ones and the suggestion made by the Committee was kept in view when dealing with individual cases of price preference.

Procurement of defence stores from Small Scale and Cottage industries

The Committee also recommended[86] that efforts should be vigorously made by the authorities connected with both central and local purchase to locate more and more sources for supply of defence stores among the small scale industries. They suggested that very close liaison should be maintained with such organisations as the All India Khadi and Village Industries Board, the All India Handloom Board, the All India Handicrafts Board, the Coir Board, etc., which could actively assist the development of production in village and small scale industries of stores required. They wrote in this connection:

> The Committee feel that if there is a helpful and sympathetic approach, it should be possible to employ better techniques in those industries to ensure that stores of the requisite standards are made available. They have already referred to the fact that during the war a technical team of the Defence department went round the country contacting small scale engineering units and educating them in the necessary technique to produce stores for defence requirements. The Committee recommend that similar active steps should be continuously taken to assist the small industries. In this connection, the Committee are glad to note that a decision had been taken to use Khadi cloth in place of mill-made cloth in respect of certain items *e.g.*, aprons, caps for cooks, dusters, napkins, towels, etc. They hope that it would be possible to find further uses for Khadi cloth. They would further recommend that wherever it is decided that Khadi is not suitable, the use of handloom cloth should be considered as a second alternative, before finally deciding on the use of mill-made cloth.

Government stated[87] that provision already existed for close liaison between the D.G.S.&D. and the All India Khadi and Village Industries Board, the All India Handloom Board, etc. Government had also set up a National Small Industries Corporation with a view to arranging purchases from the Small Scale Industries. Necessary instructions had been issued to the Defence Services as well to make direct purchases from the small scale industries in consultation with the National Small Industries Corporation. Government stated further as follows:

> In pursuance of the general policy of Government to adopt, as far as possible, Khadi and as the next alternative Handloom Cloth by its various Departments, the question of adopting Handloom Cloth against Defence requirements is also under continuous examination. Appreciable quantities of stores such as Durries, Blankets, Barack, bandages, Gauze and Huckaback Towelsare being procured from the Handloom sector. Certain more handloom items are under consideration for adoption against Defence requirements.

Self-sufficiency in bitumen for road construction

In their Fifty-ninth Report on National Highways and Roads the Committee said[88] they were given to understand that about two-third of the bitumen required for road construction was being produced in India and the balance was imported from abroad. The Committee suggested that vigorous steps should be taken to achieve self-sufficiency in this product.

Government in their reply stated[89] that two of the four existing refineries in India, *viz.*, Assam Oil Company and

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86. 56R (EC—1LS) para 70, pp. 25-25

87. 40R (EC—2LS) pp 10-11

88. 59R (EC—1LS) para 117

89. 66R (EC—2LS) p. 24.

Burmah Shell Refineries were producing bitumen. Their total production during 1958 was about 2.23 lakh tons. The Stanvac refineries, Bombay, had also made arrangements for producing about 66,000 tons of bitumen every year. As the total quantity of bitumen required for road construction in the country was about 1·7 lakhs tons only per year, the quantity already produced met all the requirements and it was not necessary to import any bitumen for roads.

Association of the private sector with defence production

In their Sixty-eighth Report on Ordnance Factories the Committee observed[90] that Ordnance Factories by themselves could not meet all the requirements of defence stores, particularly in an emergency, and that for this purpose it was necessary to develop the industrial potential in the country, both in the public and private sectors, which could be drawn upon when necessary. The Committee were informed that attempts were being made in consultation with the Development Wing of the Ministry of Heavy Industries and the Production Ministry to locate indigenous capacity for manufacturing of defence stores, which were being imported, as well as for establishing alternative sources of supply. The Committee remarked that they did not consider that the question of encouraging production of defence stores in the public and private sectors had received adequate attention. They felt that there was considerable complacency in this matter. The Committee in this connection further observed:

> The Committee feel that the Supply Committee have a very important role to play in this matter and that they should keep a close watch over the existing, developed or potential productive capacity in the civil sector and also ensure full co-ordination and co-operation by entrusting to the latter whatever can be undertaken by it, without entering into any competition. In this connection, the Committee suggest that the feasibility of getting the steel required by the Ordnance Factories, manufactured in the new steel factories which are being set up, should also be examined.

Government in their reply stated[91] as follows:—

> This Ministry is fully alive to the question of association of private sector for the production of defence stores/equipment and for this purpose various steps have been taken so far. Apart from the representation of the private industrialists at the Defence Production Advisory Committee, the various Sub-Committees of the Defence Production and Supply Committee have been authorised to invite representatives of the private sector with a view to locating/facilitating the production of stores/equipment at present imported. Copies of a brochure giving particulars in regard to specifications and annual requirements of items of general stores, at present imported, have been sent to the Presidents of the Federations of Indian Chambers of Commerce and Industry, and the All India Manufacturers Association. The object was to seek their assistance in the establishment of indigenous manufacture of these items. The Defence Production Planning Committee which is to prepare a phased plan for achieving self-sufficiency in the production of defence stores/equipment will naturally examine the nature and extent of assistance which the private sector can provide for the purposes. As regards special steel required by the Ordnance Factories, this has already been taken up with the Ministry of Fuel, Iron and Steel and the private industrialists concerned.

90. 68R (EC–1LS) para, 104-105 p. 31

91. 56R (EC—2LS) pp. 47-48

F. General

German Reparation machinery

In their First Report, the Committee recommended[92] that an Expert Committee should be appointed to determine the quality and usefulness of the machinery received from reparations and that all future release should be made in accordance with the recommendations of such a Committee.

Government in their reply stated[93] that the machines were being disposed of in batches and, before disposal, representatives of Ministries decided upon the allocation on the basis of the best use to which these machines could be put. Government stated that this substantially met the recommendations of the Estimates Committee and as such the appointment of a separate Committee did not appear to be necessary.

Stores Balances on the Railways

In their Twenty-eighth Report the Committee referred[94] to the recommendation of the Railway stores Enquiry Committee (1950-51) that the stores balances could be brought to a sizeable level. Commenting on this the Committee wrote:

> In order to avoid the possibility of any of the works being held up during the Second Five Year Plan (as happened during the First Five Year Plan) the Railways will have to build up reserves of stores required in connection with the heavy programme of works during the Second Plan, and this will inevitably lead to increase in stores balances. All the same, the Committee would like the Railway Ministry to keep a very careful watch over the figures of stores balances, and ensure that the stores balances do not mount up disproportionately. Though the Committee do not want to fix any rigid limit, they are generally in agreement with the following target suggested by the Indian Railway Enquiry Committee (1947): Normally it should be adequate, if the Railways have in hand at any time not more than nine months' requirements in the case of goods available in the Inidan market and not more than 18 months requirements in the case of stores imported direct'.

Government in their reply stated[95] that the observations had been noted and was being brought to the notice of the Railways.

Quality of stationery supplied to Railway staff

Commenting[96] on the quality of stationery supplied to the Railway staff, the Committee remarked:

> It was observed by one of the sub-Committees of the Estimates Committee that the stationery supplied to the Railway staff is of very much inferior quality. The matter may be looked into and remedial action taken. The Committee suggest that the use of hand-made stationery should be introduced on the Indian Railways.

Government in their reply[97] stated:

> The annual requirements of stationery stores to meet the demands of all indentors obtaining supplies through the agency of the Government of India Stationery Office, Calcutta, are purchased by inviting open tenders. The tenders are decided on a competitive basis after taking into account various factors *viz.*, rate, capacity of the tenderers and test report on the samples about their suitability as compared with the specifications laid down by the Stationery Office in the call for tenders, etc.
>
> Before acceptance of supplies, stores are duly inspected by the Inspection Wing of the Stationery Office, on the basis of the approved samples and the specifications as laid down in the tenders Supplies which are found on inspection to be sub-standard or not up to the

92. 1R (EC—1LS) para 67, p. 68
93. 25R (EC—1LS) para 35
94. 38R (EC—1LS) para 100 pp. 30-31
95. 43R (EC—2LS) p. 23
96. 28R (EC—1LS) para 148, p. 46
97. 43R (EC—2LS) pp. 29—31

approved samples, are generally rejected but in a few cases the Stationery Office accepts them at a reasonable discount on the merits of each case.

It will thus be noted that both the quality and price factors are duly taken into account by the Stationery Office while making purchases of stationery and printing stores for the public services.

As regards the Committee's suggestion to introduce hand-made stationery, the present policy of the Government is to encourage or patronize cottage and small scale industries. Accordingly, hand-made products of various stationery stores, (*viz.*, handmade paper, wooden stationery, tags, call bells envelopes, blank books etc.) are already being purchased by the Government of India Stationery Office, Calcutta, for supply to the indentors including Railways, and this policy will continue to be followed by the S. & P. Department as far as practicable.

Specifications for Defence stores

In their Fifty-sixth Report on Army Stores the Committee observed[98] that difficulty was being felt by the trade regarding specifications for defence stores. It appeared that the specifications laid down by different departments for more or less the same type of stores differed and this caused confusion to the indentors as well as to the purchasing agency and the suppliers. The Committee wrote in this connection:

> The Committee feel that a matter which requires immediate attention is the standardisation of specifications. The Indian Standards Institution has no doubt undertaken this work but for various reasons, the number standardised by it so far constitute a very small proportion of the total number of items of stores required for various Government departments. The Committee, therefore, feel that without waiting for the I.S.I. to lay down standards the departments themselves should, whenever they come across items for which the specifications could be simplified or rationalised take steps in that direction.

Government in their reply stated[99]:

> The Defence Production Board appreciated that it would take a long time for the Indian Standards Institution to lay down standards for all items of stores and equipment. The Board have therefore already set up a Standardisation Sub-Committee under the chairmanship of the Master General of Ordnance. The functions of the Sub-Committee are:—
>
> (a) to rationalise requirements of the Services of equipment, stores and materials;
>
> (b) to lay down standardisation policy with each Service and to lay down interservice policy;
>
> (c) to cause cataloguing to be carried out under a uniform policy;

Defence Laboratories to undertake work of civil departments

In the same Report the Committee wrote[100] that the laboratories maintained by the Technical Development Establishment for carrying out tests and inspection of defence stores might also undertake work for civil departments. They said:

> The Committee understand that the laboratories are very well equipped but they do not undertake any non-Defence work. Although they agree that such laboratories should mainly concern themselves with the testing of samples etc., of the Defence Services, they feel that there should not be any bar to their taking work for other Civil Departments since the old tradition of the Civil and Defence Departments working in watertight compartments without any mutual obligations to each other is no longer tenable in the context of the changed circumstances.

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98. 56R (EC—1LS) para. 67, pp. 23.
99. 40R (EC—2LS), pp. 7-8.
100. 56R (EC—1LS), para. 80, p. 29.

Government in their reply[101] stated that the Technical Development Establishments since their inception had always been offering all facilities for analysis|test|identification to trade and other civil departments subject to their limitations of capacity and priorities. In order to obviate the necessity of seeking approval/sanction each time such work was received by the Technical Development Establishments, formal Government of India sanction authorising the undertaking of such work had been accorded.

Stockpiling of essential stores in Ordnance Factories

The Committee dealt[102] with stockpiling of essential raw materials in Ornance Factories in their Sixty-eighth Report. Stockpiles were held of strategic and non perishable stores against the possibility of stoppage of imports during an emergency. The quantum of this stockpile was related to the urgency of the requirements of the three services which were within the competence of the Ordnance Factories to manufacture. The stocks of stockpile were kept separate from current stocks and were periodically turned over. The Committee wrote in this connection:

> The Committee appreciate that stockpiling of essential requirements in anticipation of emergencies is absolutely necessary but would reiterate the need for a careful appraisal of the situation from time to time to guard against excessive stock-piling and consequent losses, and at the same time to provide for delays in receipt of stores and strategic materials especially those imported.

Government in their reply[103] stated: that recently the posts of Director of Mobilisation Planning and Deputy Director of Mobilisation Planning had been sanctioned for the Controller General of Defence Production's Organisation and these Officers would primarily be responsible for drawing up a Mobilisation Plan which would *inter alia* deal with the question. The drawing up of the stock-pile levels and its implementation would, however, take time and were related to the availability of funds, particularly foreign exchange.

Replacement of old machinery in Ordnance Factories

The Committee also referred[104] to the condition of the plant and machinery in the Ordnance Factories. About 23 percent of the machinery in the Ordnance Factories was over 20 years old and about 62 per cent between 10—20 years old and the balance *i.e.* about 15 per cent only was installed during the last ten years. A substantial portion of it—even in tool rooms—was old and worn out. This was mainly due to the fact that the machines had heavy wear and tear during the war years, consequent on working two or even three shifts, more or less continuously and also because it had not been found possible to replace them or to carry out their thorough overhaul. Further, plant located in pre-war factories was to old designs and was incapable of producing some of the modern types of weapons and ammunition. On this the committee wrote:

> The Committee feel very much concerned at the present condition of the Plant and Machinery in the Ordnance Factories, particularly in view of

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101. 40R (EC—2LS), p. 39.

102. 68R (EC—1LS), para. 30-31, p. 9.

103. 56R (EC—2LS), pp. 25-26.

104. 68 R (EC—1LS) para 49—151, p. 14.

the rapid technological progress, made in recent years in advanced countries, resulting in modernisation having been effected in layouts and machinery in their Factories. In this connection the following observations from the Report of the Engineering Capacity Survey Committee are pertinent:

> Taking the case of the tools of production, it must be appreciated that in many instances, today's models of machine tools will produce on an average one-and-half to three times the amount that ten-years old machine tools can produce, to make no mention of the fact that the quality of the product is also better. As compared to machine tools 20 years old, the performance will be even greater.

> The Committee regret to note that no phased programme was undertaken to replace old plant and machinery even after attainment of independence. They understand that the Baldev Singh Committee in its Report submitted in December, 1954 had pointed out that some of the machines in the Ordnance Factories were fit only for scrap. The Committee consider this very unsatisfactory as it affects production in a matter which concerns the very security of the country.

Government stated[105] that it had been accepted that a significant part of the plant and machinery in the Ordnance Factories required replacement and that a Five-Year programme for replacement of plant and machinery had already been drawn up. The actual provision of plant and machinery in line with this plan would be dovetailed with the foreign exchange available from time to time. The Ordnance Factories had already placed demands to the extent of approximately Rs. 160 lakhs during the first six months of 1957, which was equal to the foreign exchange allotment made to the Ordnance Factories for this purpose..... Apart from this, action had been taken for replacement|modernisation of certain plant and machinery on the basis of the recommendations made by the Baldev Singh Committee.

German Reparation Machines

In the same Report the Committee were critical[106] on the manner of selection, maintenance and disposal of the German Reparation machines. 2,774 machines were received by the Ordnance Factories, out of which 1815 were found useful for utilisation and were retained, and 959 found unsuitable. The initial selection had been made from a list which contained merely nomenclatures and in many cases, only very inadequate inspection of the machines had been possible before final selection. This inevitably had led to the allocation of a larger number of machines than were actually suitable for utilisation in the factories. The Committee observed in this connection:

> While appreciating the difficulties pointed out, the Committee feel that sufficient attention was not bestowed by the Ordnance Factories on the selection of the German Reparation Machines.

> The Committee might mention that in para 67 of the Committee's First Report, presented in December 1950, the appointment of an Expert Committee had been recommended for determining the quality and usefulness of the machinery received from reparations and for making all future releases in accordance with the recommendations of that Committee. In reply it was stated that the machines were being disposed of in batches and before disposal, representatives of Ministries decided upon the allocation on the basis of the best use to which these machines could be put. The Committee feel that had the recommendation been implemented, particularly, since most of the machines were received in the Ordnance Factories after the recommendation was made, the present unfortunate situation might not have arisen.

Government in their reply stated[107]:

> In the majority of cases, the plants allocated to India had worked continuously throughout the war period and even earlier and had already spent up

105. 56R (EC—2LS), pp. 28-29.

106. 68R (EC-1LS), paras 69—73, pp. 20-21.

107. 56R (EC—2LS), pp. 35-36.

greater part of their useful life. Furthermore, after arrival in India, for want of proper storage facilities, these machines were exposed to the inclement weather conditions, lying in the open in Docks and Depots before issue to the ultimate consignees.

Ordnance Factories were prevailed upon to take as many machines as possible, since the machines were previously used for munitions manufacture and description of the machines made them appear to be useful to the Ordnance Factories. They were also too keen to take advantage of what appeared to be cheap and quick way of reequipping their shops and renewing their heavily used and out moded plant. The main criteria of selection was to acquire only such machines as could be gainfully utilised against the existing and foreseeable requirements and for augmenting production capacity in Ordnance Factories. With this end in view, all possible care was taken to avoid selection of machines which might ultimately prove to be unsable. Since however, selection had to be made from the visual inspection only, due to the difficult conditions of storage and lack of facilities, out of the machines selected for use in Ordnance Factories, about 22.26 per cent of the machines were found to be beyond economical repairs and as such unusable in Ordnance Factories. It may be appreciated that the selection of machines was given due care and consideration, under the circumstances then prevailing.

(To be continued.)

Short Notes

(a) *Parliamentary Events and Activities*

Fifty-third Inter-Parliamentary Conference

The 53rd Inter-Parliamentary Conference was held in Copenhagen (Denmark) in August, 1964. The delegation to the Conference from India was composed of—

Shri M. Thirumala Rao, M.P. (Leader)

Shri N. G. Ranga, M.P.

Shrimati Seeta Yudhvir, M.P.

Shri B. N. Banerjee, Secretary, Rajya Sabha.

The following subjects were discussed at the Conference:—

1. The Fight against Disparities in World Economy.

2. From International Detente to Peace.

(i) Possible Steps towards General Disarmament.

(ii) Adaptation of the United Nations Charter and Working Methods to the Requirements of an Enlarged international Society.

3. The Problem of Education and the Fight against illiteracy.

4. International Protection of Human Rights.

5. The Implementation of the United Nations Declaration on Colonialism.

6. The Role of Members of Parliament as Intermediaries between the Citizens and their Government.

During the Conference period meetings of the Inter-Parliamentary Council, Standing Study Committees, and Executive Committee of the Inter-Parliamentary Union were also held.

Tenth Commonwealth Parliamentary Conference

The Tenth Commonwealth Parliamentary Conference was held in Kingston (Jamaica) in November, 1964. The Indian Delegation to the Conference was composed of—

Shri S. V. Krishnamoorthy Rao, Deputy Speaker, Lok Sabha.

Shri Surendra Mohan Ghose, M.P.

Dr. L. M. Singhvi, M.P.

Dr. Suniti Kumar Chatterji, Chairman, West Bengal Legislative Council.

Shri V. K. Ramaswamy Mudaliar, M.L.C. Madras.

Shri Ram Nivas Mirdha, Speaker, Rajasthan Legislative Assembly.

Shri Fatehall Palejwala, Speaker Gujarat Legislative Assembly.

8. Shri P. K. Patnaik, Deputy Secretary, Lok Sabha Secretariat.

Shri P. Roy, Secretary, West Bengal.

The following subjects were discussed at the Conference:

1. Trade and Aid.

2. Commonwealth Organisations such as a Commonwealth Secretariat etc.

3. Educational Co-operation within the Commonwealth.

4. Future functions and Role of the Commonwealth Parliamentary Association.

5. The way Ahead for the Commonwealth.

6. The Role of the Speaker in Parliament.

7. International Affairs.

Pre-Conference tours for about two weeks had been arranged by the Jamaica Branch of the Commonwealth Parliamentary Association.

Spring Meetings of the Inter-Parliamentary Union

Spring Meetings of the Standing Study Committees of the Inter-Parliamentary Union were held from April 20 to April 25, 1965 in Dublin (Ireland). The delegates from India were:—

Shri Shyamnandan Mishra, M.P.

Shrimati Savitri Nigam, M.P.

The Indian delegates also attended the meetings of the Inter-Parliamentary Council held there on April 24 and 25.

The Council adopted appeals/Decisions regarding the following:—

1. The Situation in Vietnam.

2. The Present Crisis within the United Nations.

3. The Non-Application of the Statute on Limitations on Prosecution of War and Crimes against Humanity.

4. Appeal to the United Nations Committee on Apartheid.

Conference of Presiding Officers of Legislative Bodies in India (Bombay—1965)

The 30th Conference of Presiding Officers of Legislative Bodies in India was held for two days on January 11 and 12 this year in the Legislative Assembly Hall, Bombay. Sardar Hukam Singh, Speaker of Lok Sabha presided.

At the outset, the Conference adopted a condolence Resolution on the death of Shri Jawaharlal Nehru.

After the welcome speech by Shri V. S. Page, Chairman, Maharashtra Legislative Council, Sardar Hukam Singh delivered his address to the Conference.

Thereafter the Conference proceeded to discuss the following points on its agenda:

1. What course of action should be adopted by the Presiding Officers in view of the opinion of the Supreme Court on Reference No. 1 of 1964?

2. Is not the time ripe to codify the privileges of Legislatures in India under Art. 105/194, taking into consideration 15 years of experience in the working of our Legislatures?

3. Whether the Chief Minister and his colleagues can act as Ministers after their resignations have been accepted by the Governor and they have been asked by him to continue in office pending formation of a new Council of Ministers?

4. Can a Chairman or a Deputy Chairman resign his office addressing his letter of resignation to any person other than the Chairman or the Deputy Chairman of the Legislative Council?

5. The Comptroller and Auditor General of India being an Officer independent of the Executive and being required under Article 151 of the Constitution of India to submit his report to the Governor, is it not proper that he should send his report to the Secretary to the Governor who in turn should send it to the Secretary to the Legislature instead of the Comptroller and Auditor General sending it to the Finance Department and the latter sending it to the Legislature?

6. Whether in view of the observations of the Supreme Court regarding Art, 196(3) in *Purushottam V. State of Kerala* (A.I.R. 1962, S.C. 694 at pp. 700-701). It is necessary to amend the Rules of Procedure of the various Houses of Legislatures in the States and the Union to the effect that no business pending in the Houses of Legislatures in India shall lapse on prorogation thereof.

The Conference adopted unanimously the following Resolution on point No. 1.

RESOLUTION

This Conference of Presiding Officers of Legislative Bodies in India held at Bombay on the 11th and 12th January, 1965, having carefully considered in all its aspects the opinion of the Supreme Court on Special reference No. 1 of 1964 made by the President under article 143(1) of the Constitution regarding the powers and jurisdiction of the High Court and its Judges in relation to the State Legislature and its officers and regarding the powers, privileges and immunities of the said Legislature and its members in relation to the High Court and its Judges in the discharge of their duties, is of the confirmed opinion that—

(a) whereas it is not possible for Legislatures to function successfully without their having the powers to adjudge : in case of their own contempt, whether committed by a member or a stranger whether inside the chamber or outside it, and to punish that contempt without interference by Courts under any article of the Constitution or otherwise;

(b) whereas such ouster of jurisdiction of courts was intended by the Constitution makers as is clear from the statements of Dr. Ambedkar and Sir Alladi Krishnaswamy Iyer made in the Constituent Assembly when articles 105 and 194 were adopted;

(c) whereas the language of these articles is so clear that according to Justice Sarkar the language can only have one meaning and that is that it was intended to confer on the Legislatures the powers, privileges and immunities which the House of Commons in England had at the commencement of the Constitution; and

(d) whereas the opinion of the Supreme Court has reduced Legislatures to the status of inferior Courts. and has implications that would deter the Legislatures from discharging their functions efficiently, honestly and with dignity;

Now therefore this Conference considers that suitable amendments to articles 105 and 194 should be made in order to make the intention of the Constitution makers clear beyond doubt so that the powers, privileges and immunities of Legislatures, their members and Committees could not, in any case. be construed as being subject or subordinate to any other articles of the Constitution.

This Conference further authorises the Chairman of the Conference to take all steps necessary to give effect to this Resolution.

Conference of Secretaries of Legislative Bodies in India (Bombay—1965)

The Secretaries of Legislative Bodies in India met in Conference in the Council Hall, Bombay on January 10 this year with Shri B. N. Banerjee, Secretary of Rajya Sabha in the Chair. Secretaries from most of the State Legislatures attended this Conference, the twelfth to be held since its inception in the year 1953.

After the welcome speech by Shri S. H. Belavadi, Secretary, Maharashtra Legislature, Shri B. N. Banerjee, Chaiman of the Conference and Shri S. L. Shakdher, Secretary of Lok Sabha addressed the Conference. Thereafter, the Conference proceeded to discuss the following points on the agenda:

1. Is it proper that it should be obligatory and not discretionary for the Committee on Petitions to report to the House on specific complaints and to suggest remedial measures as provided in Rule 307(3) of the Lok Sabha Rules (fifth edition) and similar rules of certain State Legislatures?

2. Whether the principle of intimating the arrest, detention, release etc. of a Member of a State Legislature to the authorities concerned in that State may be extended to the arrest, detention, release etc. of a Member of other State Legislatures also on reciprocal basis?

3. Whether the seat of a Member of the Assembly becomes vacant for any reasons other than those mentioned in Article 190 of the Constitution?

4. Whether the Governor can prorogue the Assembly and promulgate an ordinance on one and the same day?

5. When a Bill is introduced in the House (after leave is granted) and before it is published in the Gazette, can the mover of the Bill request the Presiding Officer to delete certain portions of the Statement of Objects and

Reasons to the Bill? Can his request be complied with which the House is seized of the Bill?

The Third Conference of Chairman of Estimates Committees

The third Conference of Chairmen of Estimates Committees of Lok Sabha and State Legislatures in India was held at Delhi for two days, on April 24 & 25, 1965, under the chairmanship of Shri Arun Chandra Guha, Chairman, Estimates Committee of Lok Sabha.

At the outset the Conference observed two minutes silence in the memory of late Shri Jawaharlal Nehru. Thereafter, Sardar Hukam Singh, Speaker of Lok Sabha, delivered his inaugural address to the Conference. The chairman of the Conference, Shri Arun Chandra Guha, delivered his address to the Conference.

Before taking up the main agenda, the Conference adopted a condolence resolution on the death of Shri H. C. Dasappa, who had been the Chairman of the Estimates Committee of Lok Sabha from 1959 to 1963.

The Conference then proceeded to discuss, among others, the following points on its agenda:

1. In view of the fact that during its term of one year the Estimates Committee is hardly able to accomplish its task, whether its term should be (i) co-terminous with the life of the Assembly, or (ii) at least two or three years.

2. Should there be any time-limit within which the decision of the Government on the recommendations of the Committee should be communicated to the Committee?

3. Whether it is not desirable to have some provision to take action against any Department's failure to supply information within the prescribed period thereby delaying the work of the Committee?

4. The Estimates Committee being one of the financial Committees, whether the examination of the estimates should be restricted to the estimates of the particular year for which the Committee is formed.

5. Whether in view of the fact that no Finance Committee exists now, the function of scrutinising various items of expenditure relating to a Department above a particular monetary limit and of approving new items of expenditure and new services should be performed by the Estimates Committee?

6. Whether in view of the overlapping and duplication of work between the Estimates Committee and the Public Accounts Committee, any measure should be taken to co-ordinate the work of the two Committees?

7. Whether spot visits should be undertaken by the Estimates Committee or its Sub-Committees to see the actual working of any scheme or project?

8. Whether it is necessary for the Estimates Committee of one State to visit another State for a comparative on-the-spot study of similar schemes?

9. Whether any principle should be laid down for the guidance of the Committee in undertaking tours both inside and outside the State? If so, what should be those principles?

After the conclusion of the Chairmen's Conference, in the afternoon on

the second day, there was a meeting of the Secretaries presided over by Shri S. L. Shakdher, Secretary, Lok Sabha. The meeting discussed the staffing pattern for financial Committees in State Legislature Secretariats.

Parliamentary Delegations from Abroad

Between November 1964 and June 1965 Parliamentary Delegations from three countries visited India.

Mongolian Delegation

A 7-Member Parliamentary Delegation from Mongolia led by Dr. B. Shrendev, Deputy Chairman of the Great Peoples Hural of the Mongolian Peoples' Republic, reached Delhi on November 24, 1964. The delegation stayed in Delhi for 3 days. The delegation watched the proceedings of the two Houses of Parliament on November 26. The Chairman of Rajya Sabha and the Speaker of Lok Sabha gave a lunch in their honour. The delegation also visited Agra, Banaras and Calcutta.

Brazilian Delegation

The next to arrive was a 17-member Brazilian Parliamentary Delegation which reached Delhi on December 27, 1964. The delegation was led by Mr. Camile Nogueira de Gama, Vice-President of the Senate of Brazil.

The delegation was shown round some of the places of cultural and industrial importance in the country. They visited Agra, Madras, Bangalore, Bombay and Goa. The delegation visited Parliament House on December 29, 1964 and witnessed the proceedings of the two Houses of Parliament. The Speaker of Lok Sabha gave a lunch in their honour.

Yugoslav Delegation

A 4-member Yugoslav Parliamentary Delegation led by Mr. Lazar Kolisovski, M.P. arrived Delhi on February 19, 1965.

During their stay in the country they visited Agra, Jaipur and Calcutta.

The delegates visited Parliament House on February 23 and witnessed the proceedings of the two Houses of Parliament. The Chairman of Rajya Sabha and the Speaker of Lok Sabha gave a lunch in their honour.

Indian Parliamentary Delegation to West Germany and the U.K.

In response to invitations from West Germany and the U.K. a 7-member Indian Parliamentary Delegation led by Sardar Hukam Singh, Speaker, Lok Sabha, visited West Germany and the U.K. in October 1964 for about three weeks.

The members of the delegation were:—

Sardar Hukam Singh, Speaker Lok Sabha—(Leader).

Shrimati Violet Alva, Deputy Chairman, Rajya Sabha.

Shri C. R. Basappa, M.P.

Shri D. Basumatari, M.P.

Shri Dahyabhai V. Patel, M.P.

Shri Bishan Chandra Seth, M.P.

Shri S. L. Shakdher, Secretary, Lok Sabha.

Indian Parliamentary Delegation to Philippines

Accepting an invitation from Philippines, a 7-Member Indian Parliamentary Delegation led by Sardar Hukam Singh, Speaker, Lok Sabha visited Philippines in May, 1965 for about ten days.

The members of the delegation were:—

Sardar Hukam Singh, Speaker, Lok Sabha—(Leader).

Shrimati Violet Alva, Deputy Chairman, Rajya Sabha.

Shri Lokanath Misra, M.P.

Shrimati Ramdulari Sinha, M.P.

Shri T. H. Sonavane, M. P.

Shri Vishram Prasad, M.P.

Shri S. L. Shakdher, Secretary, Lok Sabha.

Rajya Sabha adopts Revised Rules of Procedure

Rajya Sabha adopted on June 2, 1964 a revised set of rules for regulating its procedure and the conduct of its business, under Art. 118(1) of the Constitution, following the report of the Committee appointed by it in this behalf in September 1962*.

The revised Rules came into force from July 1, 1964**. Earlier, the Constituent Assembly (Legislative) Rules, as adapted by the Chairman under Clause (2) of Art. 118 of the Constitution, governed the procedure of the House.

Some of the new provisions in the revised Rules are:

(i) Provision requiring Government to lay on the Table a statement explaining the circumstances necessitating legislation by Ordinance, when a Bill replacing an Ordinance is introduced in the House;

(ii) Provision enlarging the scope of the rules relating to petitions so as to include petitions on matters of general public interest, besides petitions on Bills pending before the House;

(iii) Provision for discussion on matters of urgent public importance for short duration;

(iv) Provision for calling attention to matters of urgent public importance; and

(v) Provision for the appointment of a Committee on Subordinate Legislation.

Revision of Salaries and Allowances of Members of Parliament

The emoluments that the members of Parliament were receiving were found to be inadequate in the face of the high cost of living and the considerable expenses that they had to incur on account of the various demands of public life. There was a growing feeling that these emoluments should be suitably revised.

This was done by the Salaries and Allowances of Members of Parliament (Amendment) Act, 1964†, which has now raised the salary of a member from Rs. 400 to Rs. 500 per mensem, and the daily allowance from Rs. 21 to Rs. 31. The Act also entitles a member to visit his usual place of residence by air twice during a session of the House or sitting of a Committee lasting more than 75 days, and once, in any other case.

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*See Journal of Parliamentary Information, Vol. VIII, No. 2 (October 1962), p.120.

**See Rajya Sabha Secretariat Notifications No.RS. 13/1/63-L(1), dated July 1, 1964, Gazette of India Extraordinary Pt. I—Sec. 1, pp. 1171-1207 and No. RS. 13/1/63-L(2), dated July 1, 1964, Gazette of India Extraordinary Pt. I—Sec. 1, p. 1208.

†Introduced (as a private member's Bill, by Shri Raghunath Singh, M.P.) in Lok Sabha, April 10, 1964; Debated, Lok Sabha, April 24, and September 25, 1964; Rajya Sabha, September 18, 1964; President's assent September 29, 1964.

(b) Constitutional and Electoral Matters

Changes in Election Law and Procedure

With the enactment of the Representation of the People (Amendment) Act, 1964, a member of a State Armed Police Force serving outside the State may now register himself as a voter in the constituency in which he would normally have been resident and thereupon become entitled to exercise his vote by postal ballot. This facility was already enjoyed by the members of the Armed Forces of the Union.

Certain changes have been made also in the Conduct of Election Rules as from November 1, 1964*. One of these amendments enables a public servant on election duty who wishes to cast his vote in person, instead of by postal ballot, to do so at the polling station of his duty, provided he is an elector in that constituency. For this purpose, he has to obtain an "election duty certificate" from the Returning Officer by application in the prescribed form ordinarily at least four days in advance of the date of the poll.

Another amendment permits a blind or infirm voter, who is unable to recognize the symbols on the ballot paper or to mark thereon without assistance, to take with him to the voting compartment a companion (who must not be less than twenty-one years of age), for recording the vote on his behalf. Any person so assisting is required to declare that he will keep secret the vote recorded and that he has not acted as the companion for any other elector on the same day. Previously, such blind and infirm voters were assisted by the Presiding Officer.

Under another amendment, "recount" will now include scrutiny of the votes as well.

It has also been clarified that a voter can mark his preference in international form of Indian numerals or in the Roman form or in the form used in any Indian language.

Bye-elections to Lok Sabha and the State Assemblies

Seven bye-elections to Lok Sabha and twenty-six to the State Assemblies have been held during the period July 1, 1964 to May 31, 1965.

Of the seven Lok Sabha seats, one was secured by the S.S.P. and the rest by the Congress. Of the 26 State Assembly seats, the Congress won 21, Independent candidates 3, and the S.S.P. and Jan Sangh, one each.

The Tables that follow give a State-wise analysis of the results of these bye-elections.

**See* The Conduct of Elections (Second Amendment) Rules, 1964 (Min. of Law Notifn. No. 3662 dt. 12 October, 1964. Gaz. of India Extraordinary, Pt. II Sec. 3 (ii) dated the 16th October, 1964).

ANALYSIS OF RESULTS OF BYE-ELECTIONS HELD TO LOK SABHA AND STATE ASSEMBLIES DURING THE PERIOD JULY 1, 1964 TO MAY 31, 1965**

A. LOK SABHA

Name of State in which held	No. of bye-elections held	No. of seats won by the different Parties/Independents		
		Cong.	S. S P.	Ind.
1. Andhra Pradesh	1	1		
2. Bihar	2	1	1	
3. Maharashtra	1	1		
4. Mysore	1	1		
5. Uttar Pradesh	2	2		
TOTAL	7	6	1	

B. STATE ASSEMBLIES

Name of State	Total No. of bye-elections held	No. of seats won by the different Parties/ Independents.			
		Cong.	S.S.P.	J.S.	Ind.
1. Andhra Pradesh	5	5	..	..	..
2. Assam	3	1	1		1
3. Madhya Pradesh	2	2			
4. Madras	1	1			..
5. Maharashtra	3	2	..		1
6. Punjab	3	3	..		..
7. Rajasthan	3	3	..	..	..
8. Uttar Pradesh	3	2	..	1	..
9. West Bengal	3	2	..	..	1
TOTAL	26	21	1	1	3

**Particulars are as furnished by the Election Commission of India.

(c) *Procedural Matters*

Adjournment Motion: Not admitted in view of impending No Confidence Debate

In the Ninth Session of Lok Sabha, the Speaker withheld his consent to the moving of an adjournment motion regarding unauthorised landing of two foreigners in the country by plane at Murud on the ground that the matter could be discussed during the debate on the motion of no confidence against the Government, which was due to take place shortly. Explaining his reasons, the Speaker observed:—

> . . . The form in which no confidence motion is admitted is so comprehensive that every failure on the part of the Government can be discussed on that. Therefore, the Member has perfect liberty and all opportunity to bring up this issue also and draw the attention of the Government to their failures.
>
> . . . the rule says* that a motion cannot anticipate a discussion. I have to see under that rule whether there is probability of that opportunity being provided to the Members. In the present case, it is not only a probability but a certainty because the date has been fixed. An adjournment motion is only a special weapon to have discussion on a particular subject for which there is no urgent opportunity, or for which other opportunities are barred or are not available. But now that a general opportunity is available so near at hand, I am sorry I cannot allow it.**

On members submitting that the possibility still remained that the subject might not be discussed or receive the attention it deserved, during the debate on the no-confidence motion, the Speaker said he would set apart 2½ hours specifically for the discussion of the matter during that debate†.

Adjournment Motion re: Law and Order Situation in a State—When admissible as attracting Central responsibility under Art. 355?

An adjournment motion tabled in regard to disturbances in the State of Orissa came up for disposal in Lok Sabha on November 18, 1964. In support of the motion a member urged that it was admissible in view of the Central responsibility under Art. 355‡ of the Constitution. The law and order situation in the State, according to the member, had become so critical that a duty devolved on the Union Government under the said Article to intervene and protect the State against "internal disturbance". As evidence of this, the member cited the development of troops by the civil authority to carry on the administration in the State.

The Minister of Home Affairs, in reply, contended that the law and order situation in a State was the responsibility of the State Government. As for the assistance by the Army, since the State Government, or, for that matter, even the District Magistrate could summon troops in aid of civil authority, it was no ground for urging that the matter came within the purview of Parliament.

Withholding his consent to the adjournment motion, the Speaker observed:

> The admission of an adjournment motion depends upon facts, that is, upon

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**Rule* 58 : The right to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

* * * *

(*vi*) the motion shall not anticipate a matter, which has been previously appointed for consideration. In determining whether a discussion is out of order on the ground of anticipation regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time;"

* * * *

***LS Deb.* 8-9-1964, cc. 396-97.

†*Ibid.* c. 405.

‡Art. 355 provides :

> It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution.

whether they are admitted or they have been proved . . . Simply because he (a member) says that it is deplorable and there have been disturbances, that does not necessarily lead to the conclusion that circumstances exist where it has become the duty of the Union Government to intervene and take upon itself to issue direction or do anything of that sort . . .

. . . Really, who is to decide whether the internal disturbance is of this magnitude or of this nature? It should be a matter of subjective adjudication: either the Governor should make a report or it should be the assessment of the Central Government that such circumstances exist, or it should be a resolution of Parliament to the effect that such circumstances have come into existence. Members can move this Parliament by a resolution that certain circumstances exist in the State which warrant action under such and such provision, and if Parliament resolves that really those conditons exist, then alone it can be said that the Government becomes responsible for taking action under Article 355.

The second question raised is that the military was sent. As has been said here earlier† also I have held that a State Government has a right to request the Central Government to give it military aid under the Criminal Procedure Code. If that is done, the responsibility of the State Government continues. The Central Government does not come in in that, or assume responsibility in that respect . . .

. . . . . In the circumstances, I cannot admit this adjournment motion.‡

Resignation by Ministers—Statement before Parliament Not Obligatory

On February 18, 1965 a member in Lok Sabha drew attention to the fact that in the British House of Commons there was a convention that a Minister who had resigned from the Council of Ministers took the first opportunity to inform the House about the reasons for his resignation. But, the Member pointed out, the Minister of Food and Agriculture (Shri C. Subramaniam), who was reported to have tendered his resignation and later on withdrawn it, had not made any such statement in the House.*

The Speaker promised to examine the position and inform the House later on.

On March 2, 1965 the Speaker observed as follows:

. . . I find that under Rule 199(I)** it is not obligatory on the part of a Minister who has resigned from the Council of Ministers to make a statement in the House. Further in this case, we do not have any official information whether the Minister tendered his resignation and whether it was not accepted by the Prime Mininster or it was withdrawn by the Minister himself. All those details are the internal affairs of the Cabinet.

I have no powers to direct any Minister to make a statement when he tenders his resignation, as is reported, and withdraws it, or his resignation is not accepted. . . . Our rules only enjoin upon or rather give a privilege to, a Minister that if his resignation is accepted and he goes out, he has a right to make a statement£.

Consideration of a Bill—Not barred if Petition against it is pending before Committee on Petitions

On December 21, 1964 when motion for the consideration of the Gold Control Bill, as reported by the Joint Committee, was moved in Lok Sabha, a point of order was raised that two petitions against the Bill were pending

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†See *Journal of Parliamentary Information, Vol. X, p.* 75.

‡*LS Deb.* 18-11-1964, cc. 452-56.

**LS Deb.*, 18-2-1965, cc. 137-138.

**Rule 199(1) lays down that—

> A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation.

£*LS Deb.* 2-3-1964, cc. 1986-88.

before the Committee on Petitions and, unless the Committee had first made a report to the House on those petitions under Rule 307(3)*, discussion on the Bill could not be taken up. The two petitions, it was pointed out, contained a specific prayer that "the Gold Control Bill, 1963, as reported by the Joint Committee, be dropped". Referring to certain observations of the Speaker on a past occasion‡, it was urged that in the case of such specific petitions the Committee on Petitions would have to report on them to the House and, therefore, only thereafter would it be proper for the House to proceed with the Bill.

Ruling the point out of order, the Deputy Speaker observed:

> Rules 306 and 307 refer to the Committee on Petitions and not to Bills. That Committee can take any action it likes, but we are governed by the provisions concerning Bills. The Bill has come back from the Joint Committee and it has to be taken into consideration . . . Even if there are any petitions pending, I hold it is no ground to postpone the consideration of a report of the Joint Committee....None of the Members has shown any decision or ruling of the Chair that when a petition is pending before the Petitions Committee, the consideration of the Bill should be postponed £.

Censure Motions, Unlike No-Confidence Motions, Get No Special Priority

During the Tenth Session of Lok Sabha, a member tabled a motion regretting certain statements of the Prime Minister and deploring Government's failure to take action on certain matters. The Speaker admitted it as a No-Day-Yet-Named Motion.

On December 18, 1964, when the Minister of Parliamentary Affairs had announced the business for the last week of the Session, the Member rose to urge that time ought to be found for discussion on what he described as his 'censure motion'.

The Speaker observed that unlike a motion of no-confidence, time for the discussion of which had to be fixed within a specified period, there was no such provision in respect of a censure motion. As such, it was not possible for him to give priority to the Member's motion. The motion had been admitted and it was for the Government to find time for discussion thereon. In the absence of any specific rules, a censure motion was treated as a no-day-yet-named motion.**

Mysore Legislative Council: Part-discussed Resolution Does Not Lapse on Mover ceasing to be Member

On June 19, 1964, when a part-discussed private member's resolution was taken up in the Mysore Legislative Council, a point of order was raised as to whether it would be permissible to continue discussion on the resolution when its mover (Shri M. P. Eshwarappa) had ceased to be a member of the Council.

In the course of his ruling, given on June 26, 1964, the Chairman observed:

> ....It is a general principle of parliamentary procedure thatin order that

*Under Rule 307(3),—

It shall be the duty of the Committee to report to the House on specific complaints made in the petition referred to it after taking such evidence as it deems fit and to suggest remedial measures either in a concrete form applicable to the case under review or to prevent such cases in future.

‡The observations were made in connection with the Report of the Vivan Bose Commission. When the Report came up for discussion in Lok Sabha in May 1963, a point was raised that it could not be proceeded with in view of a pending petition. Ruling out the objection, the Speaker had then observed *inter alia* :

It is only for those specific petitions that relate to any individual matters or when any particular individual sends grievance .. that the Committee (on Petitions) goes into that.—LS Deb. 6-5-1963, cc. 14014-15.

£ *LS Deb.*, 21-12-1964, cc. 5995-6005.

**L.S. Deb., 18-12-1964, cc. 5696-5702.

discussion and debate in the House should be fruitful no such debate should take place except on a specific motion, which will be before the House and in respect of which the House will take a decision one way or the other....when a motion is moved from the Chair and debated, three courses are open: the House may vote in favour of the motion or the House may vote against the motion or at the request of the mover, the House may permit him to withdraw the motion....The question now arises as to what happens if the member who moved the motion is not in the House at the time when the House is to take a decision. Such absence of the member from the House...may be due to his mere physical absence or due to the fact that in the interval he has ceased to be a member. In either case the consequences would be that of the three methods available to the House to dispose of the motion, one course will not be available to the House. But, the House is intended to exercise its vote and decide either in favour of the motion or against it.

Under the circumstances, I am of the view that the resolution moved by Shri Eswarappa is before the House, that the House is seized of it, and that the House has to dispose of it.....The position, therefore, will be that....Shri M.P. Eswarappa's resolution will come up for debate in the House and the House may after or without any further debate proceed to vote on the resolution.

Private Member's Resolution: Adjourned Debate Saved by Suspension of Rule 30(1)

On March 12, 1965, a private members' day for resolutions in Lok Sabha, a member (Dr. L. M. Singhvi) who was not keeping well moved his resolution re.: Structure of Education. Drawing attention to the state of Health of the Member, another member (Shri N. C. Chatterjee) suggested that the Chair might permit discussion on the resolution to be held over to the next allotted day for private members' resolutions.

The Chair pointed out that, while discussion on the resolution could be adjourned if the House agreed, the resolution could not be put down on the next allotted day without re-balloting. The relevent rule [Rule 30(1)] laid down that—

> When on a motion being carried the debate on a private member's Bill or resolution is adjourned to the next day allotted for private members' business in the same or next session, it will not be set down for further discussion unless it has gained priority at the ballot.

To overcome the difficulty, a motion for suspension of Rule 30(1) in its application to Dr. Singhvi's resolution was first moved and, on its adoption, the House adjourned the debate on the resolution to the next allotted day for private members' resolutions.*

Paper laid on the Table by Private Member—Discussion thereon Cannot be Demanded

On March 5, 1965, upon the Minister of Parliamentary Affairs announcing in Lok Sabha the programme of business for the following week, a demand was made in the House that time should be found for a discussion on the CBI and Cabinet Sub-Committee reports on Orissa affairs. During the course of his speech a private member had laid on the Table a few days earlier what were stated to be copies of these reports.

Rejecting the demand, the Speaker ruled:

> If an hon. Member quotes from some paper and if it is allowed to be laid on the Table...., no discussion can be held on that. It is only on a paper coming from the Government that a discussion can be asked for. If it is a report of a legal or statutory body also a discussion can be asked for.**

*LS Deb. 12-3-1965, cc. 4155-58.

**LS Deb. 5-3-1965, C. 2749.

Lok Sabha—Procedure for raising Points of Order

On March 8, 1965, the Speaker observed in Lok Sabha that the following procedure be borne in mind by members while raising points of order in the House:

> (i) A member who had a point of order should stand up and say "Point of Order". He should not proceed to formulate it until he has been identified by the Chair. Only after he has been identified, should he proceed to speak on his point of order.
>
> (ii) While formulating his point of order a member should quote the specific rule or the provision of the Constitution relating to the procedure of the House which might have been ignored or neglected or violated.
>
> (iii) No member should rise or speak (either standing or sitting) when the Speaker is on his feet. The Speaker should be heard in silence and any member wanting to speak should rise only after the Speaker has sat down and called the member to speak.
>
> (iv) Matters on which the Speaker could not give any relief should not be the subject of a point of order. Should a member desire to have a clarification from a Minister or object to any statement which a Minister might have made, he should say so in the House with the permission of the Speaker and should not raise it in the garb of a point of order*

This procedure, the Speaker said, had been agreed to at a meeting he had with the leaders of the various Groups in the House.

Proclamation under Art 356: Chair Not Concerned with *Vires*; no Obligation on President to Consult Parliament When in Session Before Issue

On March 24, 1965, when a copy of the Proclamation issued under Art. 356 in respect of the State of Kerala was laid on the Table of Lok Sabha, a point of order was raised that the Proclamation violated certain provisions of the Constitution. Upon this the Speaker observed:

> As the hon. House is aware, I cannot decide whether this action is *ultra vires* the Constitution or not. If any Member is aggrieved he can go to the Courts and decide it there. That would not be a point which shall be taken up by the Speaker for decision at the moment....

Again, when it was sought to be made cut that it was constitutionally improper to issue the Proclamation without consulting Parliament when it was in session, the Speaker said:

> I am sorry I cannot agree...., because if you look into the provisions of article 356, there is no condition precedent that the Parliament should not be in session when the President has to make that proclamation....**

Words Not Unparliamentary but held Improper or Unfair by the Chair—Not to be repeated

On September 16, 1964, during the debate on a no-confidence motion in Lok Sabha, a Member discussing the Murud incident (unauthorised landing of two foreigners in the country) remarked:

> But when this matter was raised and we discussed it in this House it was duly defeated by pressing into service that massive, blind majority, with its press button mentality, whose conscience can be smothered and whose patriotic urges can be suppressed by cracking the whip of party discipline.

Objection was thereupon raised that the patriotism of members belonging to the majority Party was being questioned. The Speaker held that it was not fair to use those words although they were not unparliamentary. On a

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*LS Deb. 8-3-1965, cc. 2979-80.

**LS Deb., 24-3-1965, cc 5696-702.

request being made that the words might be expunged, the Speaker said that both his observations and the remarks of the Member would remain on record.

When, however, the Member proceeded to repeat the remark, the Speaker observed that "as he repeats it, it would be expunged."

The repeated words were, accordingly, expunged from the Debates while the original remarks were allowed to stand.*

(d) *Parliamentary Committees*

Demise of Shri Dasappa: Condolence Resolution in Estimates Committee

The Estimates Committee at its sitting on November 11, 1964 passed a resolution expressing "its deep sense of sorrow" over the sudden demise of Shri H. C. Dasappa, Minister of Industry and Supply, on October 29, 1964.

H. C. DASAPPA

Prior to his Cabinet appointment, Shri Dasappa was Chairman of the Estimates Committee for four years, from May 1959 to April 1963. Referring to his services as Chairman, the resolution said: "Shri Dasappa ably guided the deliberations of the Committee and maintained its reputation as an effective instrument of parliamentary control over Government expenditure, thereby enhancing the prestige of the Committee".

A valiant fighter for national freedom, Shri Dasappa was also a legislator of long standing and experience—he entered the local Legislature as far back as 1927—and an able administrator. He was Minister of Finance and Industries in the Mysore State from 1947-52. Later, he came over to the Union Parliament; he was a member of Rajya Sabha during 1954-57, and thereafter, till his death, represented the Bangalore constituency in Lok Sabha. He became a Union Minister in September 1963 and successively held the portfolios of Railways, Irrigation and Power, and Industry and Supply.

Obituary references to Shri Dasappa were made in the two Houses of Parliament on November 16, 1964, when they assembled for their Winter Session.

Horizontal Study of Public Undertakings: PU Committee Experiment

When the newly constituted Committee on Public Undertakings set out on its task a year ago, it was apparent that the Committee would not be able to complete a round of examination of all the undertakings within any reasonable period. There were already in the field over sixty public undertak-

**LS Deb.* 16-9-1964, cc. 1982-84.

ings set up by the Central Government and their number was continually growing. In the circumstances, the Committee thought it fit to undertake a horizontal study of a few common aspects or problems of public undertakings every year. They had before them already the experience of the Estimates Committee in this direction.*

In the First year the Committee selected for such study two subjects *viz.* (1) Townships and Factory Buildings of Public Undertakings; and (2) Management and Administration of Public Undertakings (Project Planning). The Committee's report on the first subject** was presented to Parliament on May 4, 1965 and the report on the other was expected to be finalised shortly.

The procedure adopted by the Committee in these horizontal studies does not differ much from that followed in the detailed examination of individual undertakings except that, in the case of the former, the evidence of the representatives of selected Ministries is taken together. The horizontal studies enable the Committee to focus attention at one time on particular problems which are common to all public undertakings and have a greater impact on the Government and the undertakings. Also, by this method, all the public undertakings remain under the scrutiny of the Committee all the time, which is not otherwise possible.

The Committee have taken up the horizontal study of Materials Management in Public Undertakings as part of their programme for the year 1965-66.

*The Estimates Committee made an experiment with such study for the fist time in 1963-64 and produced Two reports (50th and 52nd Reports) on the following aspects of the working of public undertakings; (*i*) Accommodation rented in Principal Cities and Guest Houses, Staff Cars etc. maintained by Public Undertakings; and (*ii*) Personnel Policies of Public Undertakings.

**8R(CPU—3LS).

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APPENDICES

APPENDIX I

Statement showing the activities of the Houses of Parliament/State Legislatures in India during the period of 1st January to 31st December, 1964

Name of the House/ Legislature	Session during the period	Legislation		Questions						Names of Comittees that met during the period	No. of sittings held	No. of Reports presented
		No. of bills passed		Starred		Unstarred		Short Notice				
		Govt.	Private Members	Notices Received	Admitted	Notices Received	Admitted	Notices Received	Admitted			
1	2	3	4	5	6	7	8	9	10	11	12	13
Lok Sabha	Seventh Session : from 10th February to 6th May, 1964 (66 sittings).	25	1	11452	1388*	832	2910**	541	26	Business Advisory Committee	12	12
	Eigth Session : from 27th May to 5th June, 1964 (7 sittings).	4		1930	191†	55	494‡	51	4	Committee on Absence of Members	4	4
										Committee on Estimates	66	23

*Includes 77 Short Notice Questions admitted as Starred.

**Includes 2503 Starred and 16 Short Notice Questions admitted as Unstarred.

†Includes 19 Short Notice Questions admitted as Starred.

‡Includes 468 Starred Questions and 1 Short Notice Question admitted as Unstarred.

1	2	3	4	5	6	7	8	9	10	11	12	13
	Ninth Session : from 7th September to 3rd October, 1964 (20 sittings)	7	..	7570	558*	532	1778†	165	13	Committee on Government Assurances.	4	1
	Tenth Session : from 16th November to 24th December, 1964 (29 sittings)	21	1	6866	691**	509	1877‡	179	13	Committee on Private Members' Bills and Resolutions	23	23
										Committee on Public Accounts	67	13
										House Committee . .	4	—
										Accommodation Sub-Committee	3	..
										Joint Committee of Charmen House Committees of both the Houses of Parliament	4	..
										Joint Committee on Offices of Profit	12	1
										Joint Committee on the Constitution (17th Amendment) Bill, 1963 . .	3	1
										Joint Committee on the Prevention of Food Adulteration (Amendment) Bill, 1963	11	1
										Joint Committee on the Gold Control Bill, 1963 . .	13	1
										Joint Committee on the Companies (2nd Amendment) Bill, 1964 . .	1	
Rajya Sabha	Five Sessions :	54	2	8091	2454	579	2324††	148	22	Business Advisory Committee	6	
	(i) 46th Session from 10th February to 17th March 1964 (27 sittings);									Committee on Subordinate Legislation	1	..
										House Committee . .	5	..

	(ii) 47th Session from 21st April to 8th May, 1964 (14 sittings); (iii) 48th Session from 27th May to 6th June, 1964 (8 sittings); (iv) 49th Session from 7th September to 3rd October, 1964 (20 sittings); (v) 50th Session from 16th November to 24th December, 1964 (28 sittings).									*Ad Hoc* Committees :		
										(a) Joint Committee on the Press Council Bill, 1963	2	
										(b) Joint Committee on the Banaras Hindu University (Amendment) Bill, 1964	1	
Andhra Pradesh Legislative Assembly	Two Sessions : (i) Third Session from 21st February to 28th March, 1964 (28 sittings); (ii) Fourth Session from 26th June to 16th July and 25th November to 11th December, 1964 (33 sittings)	24	..	4700	2069	58	325	196	22	Committee on Government Assurances . . .	8	1
										Committee on Petitions .	1	1
										Estimates Committee . .	44	2
										Privileges Committee	3	1
										Public Accounts Committee .	35	
										Committee on Subordinate Legislation . . .	26	1
										Ad Hoc Committee on Rules	1	..
										Joint Select Committee on Andhra Pradesh Abolition of Inams (Telengana Area) Bill, 1964	2	..
										Joint Select Committee on Andhra Pradesh Irrigation (Construction and Maintenance of Water Courses) Bill, 1964 . . .	1	1

* Includes 11 Short Notice Questions admitted as Starred.
† Includes 1564 Starred and 2 Short Notice Questions admitted as Unstarred.
** Includes 19 Short Notice Questions admitted as Starred.
‡ Includes 1605 Starred and 4 Short Notice Questions admitted as Unstarred.
†† Includes 1745 Starred Questions admitted as Unstarred Questions.

1	2	3	4	5	6	7	8	9	10	11	12	13
										Joint Select Committee on Andhra Pradesh Municipalities Bill, 1964 . .	17	1
										Joint Select Committee on Andhra Pradesh Tenancy Bill, 1964 . . .	5	1
Andhra Pradesh Legislative Council	Two sessoins: (i) Eighth Session from 11th November, 1963 to 26th May, 1964 (21 sittings); (ii) Ninth Session from 26th June, 1964 and had not concluded by 26th February, 1964 (22 sittings during the period under review).	24	..	310	258	..	24	21	10	Committee on Government Assurances . . .	6	1
Bihar Legislative Assembly	Three sessions: (i) from 12th February to 22nd April, 1964 (38 sittings); (ii) from 20th July to 1st October, 1964 (26 sittings); (iii) from 9th December to 23rd December, 1964 (11 sittings).	23	..	7550	4852	1008	904	666	475	Business Advisory Committee	7	7
										Committee on Estimates .	5	1
										Committee on Government Assurances . . .	9	1
										Committee on Privileges .	2	..
										Committee on Public Accounts . . .	6	..
										House Committee . .	2	..
										Library Committee . .	4	..
Gujarat Legislative Assembly	Two sessions: (i) from 17th February to 11th April, 1964 (39 sittings);	29	..	2700	1312	357	331	158	31	Business Advisory Committee	10	10
										Committee on Estimates .	8	3
										Committee on Government Assurances . . .	6	1

	(ii) from 24th August to 25th September, 1964 (22 sittings).									Committee on Petitions	1	1
										Committee on Private Members' Bills and Resolutions	5	5
										Committee on Public Accounts	16	1
										Rules Committee	1	1
Jammu & Kashmir Legislative Council.	Three sessions: (i) from 19th February to 28th March, 1964 (16 sittings); (ii) from 21st September to 22nd September, 1964 (2 sittings); (iii) from 8th October to 13th October, 1964 (5 sittings).	18	1	1144	1005	284	248	1	..	Committee on Government Assurances	6	1
										Committee on Petitions	2	..
										Committee for General purposes	1	..
										House Committee	3	..
										Library Committee	2	..
										Rules Committee	4	..
Kerala Legislative Assembly	Two sessions: (i) First Session from 24th January to 1st April, 1964 (36 sittings); (ii) Second Session from 2nd September to 8th September, 1964 (4 sittings).	15		2072*	1999*	..	..	11	1	Committee on Estimates	21	2
										Committee on Government Assurances	3	1
										Committee on Private Members' Bills and Resolutions	5	5
										Committee on Public Accounts	20	1
										Committee on Subordinate Legislation	9	1
Madhya Pradesh Legislative Assembly.	Two sessions: (i) February-April Session (37 sittings); (ii) August-September Session (18 sittings).	30	..	5753	2583	2961	2225	67	17	Business Advisory Committee	7	6
										Committee on Delegated Legislation	8	2
										Committee on Estimates	13	2

*Includes Starred & Unstarred Questions received/admitted.

1	2	3	4	5	6	7	8	9	10	11	12	13
Madhya Pradesh Legislative Assembly—*contd.*										Committee on Government Assurances . . .	9	1
										Committee on Petitions .	5	2
										Committee on Private Members' Bills and Resolutions	7	7
										Committee on Privileges .	7	1
										Committee on Public Accounts	15	1
										House Committee .	4	..
										Library Committee .	1	..
										Rules Committee . .	2	2
Madras Legislative Assembly.	Two sessions: (i) Fourth Session from 16th January to 1st September, 1964 (43 sittings); (ii) Fifth Session from 16th October to 26th October, 1964 (8 sittings).	40		2458	1553	424	424	23	23	Committee on Estimates .	37	3
										Committee on Government Assurances . . .	12	2
										Committee on Privileges .	7	3
										Committee on Public Accounts	31	2
										Committee on Subordinate Legislation . . .	8	2
										House Committee .	4	..
										Rules Committee . .	1	..
										Joint Select Committee on the Madras (Transferred Territory) Thiruppuvaram Payment Abolition Bill, 1964	8	1
										Joint Select Committee on the Madras Minor Inams (Abolition and Conversion into Ryotwari) Bill, 1964	8	1

										Joint Select Committee on the Madras (Transferred Territory) Ryotwari Settlement Bill, 1964 . .	8	1
										Joint Select Committee on Kanyakumari Sreepandaravaka Lands (Abolition and Conversion into Ryotwari) Bill, 1964 . .	8	1
										Joint Select Committee on the Madras Prevention of Begging (Amendment) Bill, 1964.	4	1
										Select Committee on the Madras Public Buildings (Licensing) Bill, 1964 .	4	1
										Select Committee on the Madras (Transferred Territory) Jenmikara Payment Abolition Bill, 1964	2	1
Madras Legislative Council.	Two sessions : (i) XXIII Session from 16th January to 1st September, 1964 (ii) XXIV Session from 19th October to 26th October, 1964.	39	..	885	779	..		33	28	Business Advisory Committee	6	..
										Committee on Government Assurances	2	1
										House Committee .	2	..
Mysore Legislative Assembly	One session : from 27th February to 3rd April, 1964 and from 15th June to 15th July, 1964 (59 sittings)	17	..	849	822	241	232	53	17	Business Advisory Committee		6
										Committee on Private Members' Bills and Resolutions	..	2
										Committee on Subordinate Legislation.	15	1
Mysore Legislative Council	One session : from 27th February to 3rd April, 1964 and 15th June to 17th July, 1964 (58 sittings)	24	..	231	220	62	60	12	7	Business Advisory Committee	..	6
										Committee on Private Members' Bills & Resolutions .	..	2
										Committee on Subordinate Legislation .	15	1

1	2	3	4	5	6	7	8	9	10	11	12	13
Orissa Legislative Assembly	One session : from 17th February to 17th April, 1964 and from 24th August to 9th October, 1964 (66 sittings)	18	..	3181	3633	485	461	126	48	Business Advisory Committee	2	2
										Committee on Estimates .	23	1
										Committee on Government Assurances . . .	10	1
										Committee on Public Accounts	18	3
										Committee on Subordinate Legislation .	2	..
										House Committee . .	2	..
										Select Committee on the Orissa Express Highway Bill, 1963 . . .	2	1
										Select Committee on the Orissa Grama Panchayat Bill, 1962 . . .	3	1
										Select Committee on the Orissa Soil Conservation Bill, 1963 . . .	3	1
Punjab Legislative Assembly	Two sessions: (i) Budget Session from 17th February to 17th April, 1964 (39 sittings) (ii) Autumn Session from 14th September to 6th October, 1964 (17 sittings)	27	1	3198	2379	1161	885	103	39	Business Advisory Committee	12	9
										Committee on Estimates .	34	3
										Committee on Government Assurances . . .	22	1
										Committee on Privileges .	12	3
										Committee on Public Accounts	41	2
										Committee on Subordinate Legislation .	26	1
										House Committee .	4	..
										Library Committee .	12	...

Ad Hoc Committee on Rules	3	..
Committee to consider matter between the U.P. Vidhan Sabha and the Allahabad High Court	2	..
Committee to consider the opinion of Supreme Court of India on Special Reference No. 1 of 1964	1	..
Meeting of Chairmen of various Committees of Punjab Vidhan Sabha to consider the question of holding meetings of committees or Sub-committees outside Chandigarh	1	..
Hindi Regional Committee	8	8
Sub-Committee on Local Self Government and Village Administration of Hindi Regional Committee	15	1
Sub-Committee on Agriculture of the Hindi Regional Committee	8	..
Sub-Committee on Development and Cottage and Small Scale Industries of the Hindi Regional Committee	7	..
Sub-Committee on Co-operative Societies of the Hindi Regional Committee	10	..
Sub-Committee of the Hindi Regional Committee on the Punjab Municipal Bill, 1963	9	..

1	2	3	4	5	6	7	8	9	10	11	12	13
Punjab Legislative Assembly—*contd.*										Sub-Committee of the Hindi Regional Committee on the Punjab Municipal Corporations Bill, 1963 .	1	..
										Ad Hoc Sub-Committee appointed by the Hindi Regional Committee to consider the existing Bye-Laws of the Hindi Regional Committee . . .	2	..
										Punjabi Regional Committee . . .	5	6
										Sub-Committee on Local Self Government and Village Administration, including Panchayats of the Punjabi Regional Committee .	8	2
										Sub-Committee of Public, Health and Sanitation of the Punjabi Regional Committee . . .	..	1
										Sub-Committee on Education of the Punjabi Regional Committee .	3	..
										Sub-Committee on Agriculture of the Punjabi Regional Committee .	8	1
										Sub-Committee on Cottage and Small Scale Industries and Development etc. of the Punjabi Regional Committee . . .	2	..
										Sub-Committee on Co-operative Societies etc. of the Punjabi Regional Committee .	1	..

									Sub-Committee of Punjabi Regional Committee to consider the Bye-laws of the Punjabi Regional Committee .	1	
									Joint Select Committee on the Punjab Homœopathic Practitioners Bill, 1964 .	4	..
									Joint Select Committee on the Punjab Unqualified Medical Practitioners Enrolment Bill, 1964 .	4	..
Punjab Legislative Council	Two Sessions : . . . (i) From 17th February to 27th April, 1964 (23 sittings) ; (ii) From 14th September to 5th October, 1964. (12 sittings).	29	1329	*1102	216	**320	56	1	Business Advisory Committee	4	..
									Committee on Government Assurances . . .	41	1
									Committee on Privileges .	4	1
									Committee on Subordinate Legislation	15	1
									House Committee	6	
									Library Committee .	5	
									Rules Committee . .	9	
									Committee to consider points arising out of the opinion of the Supreme Court of India on Special Reference No. 1 of 1964.	1	
Rajasthan Legislative Assembly	Two sessions : . . . (i) From 21st February to 11th April, 1964. (40 Sittings) ;	30	5405	2225	680	506	268	3	Business Advisory Committee	6	6
									Committee on Estimates .	85	10
									Committee on Government Assurances . . .	43	1

*Includes 38 notices received as Short Notice Questions.
**Includes 112 notices received as Starred Questions and 6 notices as Short Notice Questions.

1	2	3	4	5	6	7	8	9	10	11	12	13
Rajasthan Legislative Assembly.	(*ii*) From 3rd August to 31st October 1964 (28 Sittings).											
										Committee on petitions .	23	
										Committee on Public Accounts	46	
										Committee on Subordinate Legislation . . .	57	1
										Select Committee on the Rajasthan Cooperative Societies Bill, 1964 .	1	..
										Select Committee on the Rajasthan Municipalities (Amendment) Bill, 1964 .	4	1
										Select Committee on the Rajasthan Police (Incitement to Disaffection) Bill, 1963 .	3	1
										Select Committee on the Rajasthan Passengers and Goods Taxation (Amendment and Validation) Bill, 1964.	2	1
										Select Committee on the Rajasthan Panchayat Laws (Amendment) Bill, 1964	3	1
										Select Committee on the Rajasthan Premises (Control of Rent and Eviction) Amendment Bill, 1964 .	2	..
										Select Committee on the Rajasthan Primary Education Bill, 1963 . .	4	1
										Select Committee on the Rajasthan Public Premises (Eviction of Unauthorised Occupants) Bill, 1964 .	2	1
										Select Committee on the Rajasthan Secondary Education (Amendment) Bill, 1964 .	2	1

								Select Committee on the Rajasthan Soil and Water Conservation Bill, 1964	2	1
								Select Committee on the Rajasthan Urban Improvement (Amendment) Bill, 1964	4	1
Uttar Pradesh Legislative Assembly	Two Sessions :	23	12855	9892*	543	1943**	4924	205 Accommodation Advisory Committee	12	1
	(i) First Session from 3rd February to 8th May, 1964 (46 sittings) ;							Committee on Delegated Legislation	56	2
	(ii) Second Session from 27th July to 17th October, 1964 (27 Sittings).							Committee on Estimates	143	6
								Committee on Government Assurances	47	3
								Committee on Office of Profit	17	1
								Committee on Petitions	17	
								Committee on Privileges	16	
								Committee on Public Accounts	135	5
								Joint Select Committee on the U.P. Cooperative Societies Bill, 1964	8	
								Legal Committee of the House formed in connection with (i) Presidential Reference No. 1 of 1964 to the Supreme Court of India and (ii) the various implications of the Opinion of the Supreme Court on the said reference.	15	

*Includes 2681 Short Notice Questions admitted as Starred.

**Includes 1470 Starred Question and 442 Short Notice Question admitted as Unstarred.

1	2	3	4	5	6	7	8	9	10	11	12	13
Uttar Pradesh Legislative Council	Two sessions : (i) From 3rd February to 8th May, 1964 (28 sittings) ; (ii) From 3rd August to 11th September, 1964. (23 sittings).	19		2130	1349	5	4	86	5	Business Advisory Committee	8	8
										Committee on Government Assurances . . .	38	1
										Committee on Petitions	4	..
										Committee on Privileges	6	
										Rules Revision Committee .	4	
										Committee to frame rules of recruitment and conditions of Services in respect of the staff of U.P. Legislative Council Secretariat .	12	
Himachal Pradesh Legislative Assembly	Three sessions : (i) 1st Session from 29th January to 5th February, 1964 (8 sittings); (ii) 2nd Session from 9th March to 25th March, 1964 (17 sittings); (iii) 3rd Session from 21st September to 1st October, 1964 (11 sittings).	11		674	634	224	214	6	1	Committee on Delegated Legislation . . .	3	1
										Committee on Estimates	26	1
										Committee on Government Assurances . . .	11	1
										Committee on Privileges .	5	1
										Committee on Public Accounts	12	
										Rules Committee . .	6	1
										Committee on Special Reference No. 1 of 1964 .	3	
Manipur Legislative Assembly	Two sessions : (i) 1st Session from 24th February to 23rd March, 1964 (22 sittings); (ii) IInd Session from 25th June to 2nd July, 1964 (5 sittings).	6		158	151	28	28	10	5	Business Advisory Committee	2	2
										Committee on Estimates .	36	1
										Committee on Government Assurances . . .	11	1
										Committee on Privileges	6	1

									Committee on Public Accounts	16	..
									Rules Committee .	3	1
									Standing Committee .	7	..
Nagaland Legislative Assembly	Three sessions: (i) 1st Session from 2nd March to 19th March, 1964 (14 sittings); (ii) 2nd Session from 10th August to 18th August, 1964 (7 sittings); (iii) 3rd Session from 8th December to 12th December, 1964 (4 sittings).	11		64	60	196	182	16	16	Rules Committee	3	1
Pondicherry Legislative Assembly	Three sessions : (i) From 3rd March to 23rd March, 1964 (16 sittings); (ii) From 19th to 25th September, 1964 (4 sittings); (iii) From 16th to 21st November 1964 (6 sittings).	13		57	57	4	4	1		Select Committee on the Pondicherry General Sales Tax Bill, 1964	1	
Tripura Legislative Assembly	Two sessions: (i) From 13th March to 10th April, 1964 (20 sittings) ; (ii) From 28th September to 29th December, 1964 (15 sittings).	8		244	238*	105	103	31	27**	Business Advisory Committee	3	3
										Committee on Estimates .	3	
										Committee on Government Assurances	5	..
										Committee on Privileges .	3	
										Committee on Public Accounts	4	
										Committee on Rules .	7	

*Includes 20 Starred Questions admitted as unstarred.
**Includes 14 Short Notice Questions admitted as Starred.

APPENDIX II

List of Bills Passed by the Houses of Parliament and Assented to by the President during the period 1st January to 31st December, 1964

Serial No.	Title of Bill	Date of Assent by the President
1	The Appropriation (Railways) Bill, 1964	14-3-1964
2	The Appropriation (Vote on Account) Bill, 1964	18-3-1964
3	The Appropriation Bill, 1964	19-3-1964
4	The Appropriation (Railways) No. 2 Bill, 1964	19-3-1964
5	The Finance Bill, 1964	28-4-1964
6	The Appropriation (No. 2) Bill, 1964	29-4-1964
7	The Companies (Profits) Surtax Bill, 1964	2-5-1964
8	The Appropriation (No. 3) Bill, 1964	5-5-1964
9	The Armed Forces (Special Powers) Continuance Bill, 1964	9-5-1964
10	The Public Employment (Requirement as to Residence) Amendment Bill, 1964	9-5-1964
11	The Taxation Laws (Continuation and Validation of Recovery Proceedings) Bill, 1964	12-5-1964
12	The Indian Railways (Amendment) Bill, 1964	12-5-1964
13	The Drugs and Cosmetics (Amendment) Bill, 1964	12-5-1964
14	The Dakshina Bharat Hindi Prachar Sabha Bill, 1964	12-5-1964
15	The East Punjab Ayurvedic and Unani Practitioners (Delhi Amendment) Bill, 1964	12-5-1964
16	The Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Bill, 1964	16-5-1964
17	The Indian Coinage (Amendment) Bill, 1964	16-5-1964
18	The Industrial Development Bank of India Bill, 1964	16-5-1964
19	The Oil and Natural Gas Commission (Amendment) Bill, 1964	16-5-1964
20	The Durgah Khwaja Saheb (Amendment) Bill, 1964	16-5-1964
21	The Advocates (Amendment) Bill, 1964	16-5-1964
22	The Appropriation (No. 4) Bill, 1964	10-6-1964
23	The Delhi (Delegation of Powers) Bill, 1964	16-6-1964
24	The Indian Medical Council (Amendment) Bill, 1964	16-6-1964
25	The Coir Industry (Amendment) Bill, 1964	16-6-1964
26	The Constitution (Seventeenth Amendment) Bill, 1964	20-6-1964
27	The Salaries and Allowances of Members of Parliament (Amendment) Bill, 1964	29-9-1964
28	The High Court Judges (Conditions of Service) Amendment Bill, 1964	30-9-1964
29	The Legal Tender (Inscribed Notes) Bill, 1964	30-9-1964
30	The Appropriation (No. 5) Bill, 1964	3-10-1964
31	The Kerala State Legislature (Delegation of Powers) Bill, 1964	5-10-1964

Serial No.	Title of Bill	Date of Assent by the President
32	The Direct Taxes (Amendment) Bill, 1964	6-10-1964
33	The Companies (Amendment) Bill, 1964	9-10-1964
34	The Representation of the People (Amendment) Bill, 1964	9-10-1964
35	The Wakf (Amendment) Bill, 1964	10-10-1964
36	The State Bank of India (Amendment) Bill, 1964	10-10-1964
37	The Industrial Disputes (Amendment) Bill, 1964	9-12-1964
38	The Food Corporations Bill, 1964	10-12-1964
39	The Indian Trade Unions (Amendment) Bill, 1964	10-12-1964
40	The Appropriation (No. 6) Bill, 1964	17-12-1964
41	The Anti-Corruption Laws (Amendment) Bill, 1964	18-12-1964
42	The Mineral Oils (Additional Duties of Excise and Customs) Amendment Bill, 1964	18-12-1964
43	The Kerala Appropriation Bill, 1964	20-12-1964
44	The Slum Areas (Improvement and Clearance) Amendment Bill, 1964	20-12-1964
45	The Hindu Marriage (Amendment) Bill, 1964	20-12-1964
46	The Provisional Collection of Taxes (Amendment) Bill, 1964	22-12-1964
47	The Wealth-tax (Amendment) Bill, 1964	22-12-1964
48	The Essential Commodities (Amendment) Bill, 1964	24-12-1964
49	The Official Trustees (Amendment) Bill, 1964	25-12-1964
50	The Prevention of Food Adulteration (Amendment) Bill, 1964	25-12-1964
51	The Appropriation (Railways) No. 3 Bill, 1964	25-12-1964
52	The Indian Tariff (Amendment) Bill, 1964.	28-12-1964
53	The Repealing and Amending Bill, 1964	29-12-1964
54	The Payment of Wages (Amendment) Bill, 1964	30-12-1964
55	The Standards of Weights and Measures (Amendment) Bill, 1964	30-12-1964
56	The Foreign Exchange Regulation (Amendment) Bill, 1964	30-12-1964

APPENDIX III

List of Bills passed by the State L gislatures during the period 1st January to 31st December, 1964

ADMINISTRATION

ANDHRA PRADESH

(1) The Andhra Pradesh Gram Panchayats (Amendment) Bill, 1964.
(2) The Andhra Pradesh Panchayat Samithis and Zilla Parishads (Amendment) Bill, 1964.
(3) The Andhra Pradesh (Andhra Area) Absorbed Enclaves (Amendment) Bill, 1964.
(4) The Andhra Pradesh State Legislature (Continuance of English Language) Bill, 1964.

BIHAR

(1) The Bihar Provincialisation of Roads and Hospitals (Amendment) Bill, 1963.
(2) The Bihar Panchayat Samitis and Zila Parishads (Amendment) Bill, 1964.
(3) The Bihar District Boards and Local Boards (Control and Management) (Amendment) Bill, 1964.
(4) The Bihar Maintenance of Public Order (Amendment) Bill, 1964.
(5) The Bihar Ministers' Salaries and Allowances (Amendment) Bill, 1964.

GUJARAT

(1) The Bombay Provincial Municipal Corporations (Gujarat Amendment) Bill, 1963.
(2) The Gujarat Local Authorities (Further Extension of Term) Bill, 1964.
(3) The Gujarat Municipalities Bill, 1963.
(4) The Gujarat State Guarantees (Amendment) Bill, 1964.
(5) The Gujarat Commissioners (Abolition of Office) Bill, 1964.
(6) The Gujarat State Legislature (Use of English Language) Bill, 1964.

JAMMU AND KASHMIR

(1) The Jammu and Kashmir Government Servants Prevention of Corruption (Commission) (Second Amendment) Bill, 1964.
(2) The Jammu and Kashmir Octroi (Amendment) Bill, 1964.
(3) A Bill further to amend the Registration Act, Samvat 1977.
(4) A Bill to amend the Jammu and Kashmir Village Panchayat Act, 1958.

KERALA

(1) The Trivandrum City Municipal (Amendment) Bill, 1964.
(2) The Calicut City Municipal (Amendment) Bill, 1963.

MADHYA PRADESH

(1) The Madhya Pradesh Ancient Monuments and Archaeological Sites and Remains Bill, 1962.
(2) The Madhya Pradesh Local Authorities (Electoral Offences) Bill, 1962.
(3) The Madhya Pradesh Public Trusts (Amendment and Validation) Bill, 1964.
(4) Thd Madhya Pradesh Panchayats (Amendment) Bill 1964.

MADRAS

(1) The Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Bill, 1964.
(2) The Tiruchirapalli Kaiservaram and Mattuvaram (Extension of Application) Bill, 1964.
(3) The Madras Panchayats (Amendment and Miscellaneous Provisions) Bill, 1964.
(4) The Madras Public Trusts (Regulation of Administration of Agricultural Lands) Amendment Bill, 1964.
(5) The Madras (Transferred Territory) Incorporated and Un-incorporated Devaswoms (Amendment) Bill, 1964.
(6) The Madras State Legislature (Continuance of Use of English Language) Bill, 1964.

MYSORE

(1) The Mysore Village Defence Parties Bill, 1964.
(2) The Bombay Provincial Municipal Corporations (Mysore Amendment) Bill, 1964.
(3) The Bangalore Water Supply and Sewerage Bill, 1964.
(4) The Mysore Cooperative Societies (Amendment) Bill, 1964.
(5) The City of Bangalore Municipal Corporation (Amendment) Bill, 1964.

ORISSA

(1) The Indian Registration (Orissa Amendment and Validation) Bill, 1964.
(2) The Orissa Offices of Village Police (Abolition) Bill, 1964.
(3) The Orissa Vesting of Properties (in Grama Sasans) Bill, 1963.
(4) The Orissa Grama Panchayats Bill, 1962.
(5) The Orissa Estates Abolition (Amendment) Bill, 1964.

PUNJAB

(1) The Punjab Panchayat Samitis and Zila Parishads (Amendment) Bill, 1964.
(2) The Punjab Gram Panchayat (Amendment) Bill, 1964.
(3) The Punjab Ancient & Historical Monuments and Archaeological Site and Remains Bill, 1964.
(4) The Scheduled Roads and Controlled Areas Restriction of Unregulated Development Amendment Bill, 1964.
(5) The East Punjab War Awards (Amendment) Bill, 1964.
(6) The Punjab Urban Estate (Development of Regulation) Bill, 1963.
(7) The Indian Stamp (Punjab Third Amendment) Bill, 1964.
(8) The Punjab Separation of Judicial and Executive Functions Bill, 1964.

RAJASTHAN

(1) The Rajasthan Panchayat Samitis and Zila Parishads (Amendment) Bill, 1964.
(2) The Rajasthan Panchayat Samitis and Zila Parishads (Second Amendment) Bill, 1964.
(3) The Rajasthan Panchayat (Amendment) Bill, 1964.
(4) The Rajasthan Public Premises (Eviction of Unauthorised Occupants) Bill, 1964.
(5) The Rajasthan Panchayat Laws (Amendment) 1964.
(6) The Rajasthan Excise and Taxation Officers (Change in Designation) Bill, 1964.

MANIPUR

The Manipur Ministers (Salaries and Allowances) Bill, 1964.

NAGALAND

(1) The Nagaland Ministers' Salaries and Allowances Bill, 1964.
(2) The Nagaland State Legislature (Continuance of the English) Language Bill, 1964.

COMMERCE AND INDUSTRY

ANDHRA PRADESH

The Andhra Pradesh Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1964.

BIHAR

The Bihar State Aid to Industries (Amendment) Bill, 1963.
The Bihar Molasses Control (Amendment) Bill, 1964.

GUJARAT

The Gujarat Industrial Development (Amendment) Bill, 1964.
The Bombay Khadi and Village Industries (Gujarat Amendment) Bill, 1964.
The Gujarat Cooperative Societies (Amendment) Bill, 1564.
The Gujarat Cooperative Societies (Second Amendment) Bill, 1964.

KERALA

The Kerala Weights and Measures (Enforcement) Amendment Bill, 1964.

MADHYA PRADESH

The Madhya Pradesh State Aid to Industries (Amendment) Bill, 1963.
The Madhya Pradesh Koyala Upkar (Manyatakaran) Vidheyak, 1964.
The Madhya Pradesh Tendu Leaves (Regulation of Trade) Bill, 1964.

MADRAS

The Madras Industrial Establishments (National and Festival Holidays) Amendment Bill, 1964.

The Travancore-Cochin Lime-Shells (Control) Repeal Bill, 1964.

ORISSA

The Bihar and Orissa State-Aid to Industries (Orissa Amendment) Bill, 1963.

PUNJAB

The East Punjab Molasses (Control) Bill, 1964.
The Punjab Khadi & Village Industries Board, (Amendment) Bill, 1964.

RAJASTHAN

The Rajasthan Khadi and Village Industries Board (Amendment) Bill, 1964.

UTTAR PRADESH

The Uttar Pradesh Godam (Sanshodhan) Bill, 1963.

EDUCATION

ANDHRA PRADESH

The Andhra Pradesh Public Libraries (Amendment) Bill, 1964.
The Andhra Pradesh Agricultural University (Amendment) Bill, 1964.

BIHAR

The Anugrah Narayan Sinha Institute of Social Studies Bill 1963.

MADHYA PRADESH

The Madhya Pradesh Jabalpur University (Amendment) Bill, 1964.
The Madhya Pradesh Saugar University (Amendment) Bill, 1964.
The Madhya Pradesh Krishi Tatha Sambaddha Vigyan Vishwa Vidyalaya (Amendment) Bill, 1964.

RAJASTHAN

The Jodhpur University (Amendment) Bill, 1964.
The Rajasthan Secondary Education (Amendment) Bill, 1964.
The Udaipur University (Amendment) Bill, 1964.
The University of Rajasthan (Amending & Validating) Bill, 1964.

FINANCE

ANDHRA PRADESH

The Andhra Pradesh Appropriation Bill, 1964.
The Andhra Pradesh Appropriation (No. 2) Bill, 1964.
The Andhra Pradesh Revenue Recovery (Amendment) Bill, 1964.
The Andhra Pradesh Appropriation (No. 3) Bill, 1964.
The Andhra Pradesh Contingency Fund (Amendment) Bill, 1964.

BIHAR

The Bihar Appropriation (Vote on Account) Bill, 1964.
The Bihar Appropriation Bill, 1964.
The Bihar (Excess Expenditure, 1954-55, 1955-56 and 1956-57) Bill, 1964.
The Bihar Appropriation (No. 2) Bill, 1964.
The Bihar Motor Vehicles Taxation (Amendment) Bill, 1964.
The Bihar Sales Tax (Amendment) Bill, 1964.
The Bihar Appropriation (No. 3) Bill, 1964.
The Bihar Appropriation (Excess Expenditure, 1957-58 and 1958-59) Bill, 1964.

GUJARAT

The Gujarat (Supplementary) Appropriation Bill, 1964
The Bombay Sales Tax (Gujarat Amendment) Bill, 1964.
The Gujarat Appropriation (Excess Expenditure) Bill, 1964.
The Bombay Motor Vehicles (Taxation Passengers) (Gujarat Amendment) Bill, 1964.
The Gujarat (Second Supplementary) Appropriation Bill, 1964.
The Gujarat Appropriation (Excess Expenditure) Bill, 1964.

JAMMU AND KASHMIR

The Jammu and Kashmir Appropriation Bill, 1964.
The Jammu and Kashmir Appropriation (No. 2) Bill, 1964.
A Bill further to amend the Jammu and Kashmir Excise Act Savt. 1958.
The Jammu and Kashmir Appropriation (No. 3) Bill, 1964.
The Jammu and Kashmir Entertainment Duty (Amendment) Bill, 1964.

KERALA

The General Sales Tax (Validation) Bill, 1964.
The Kerala Appropriation (No. 1) Bill, 1964.
The Agricultural Income Tax (Amendment) Bill, 1963.
The Kerala Appropriation (No. 2) Bill, 1964.
The Luxury Tax on Tobacco (Validation) Bill, 1964.

MADHYA PRADESH

The Madhya Pradesh Finance (Amendment) Bill, 1963.
The Madhya Pradesh Motor Vehicles Taxation (Amendment) Bill, 1964.
The Madhya Pradesh Cooperative Land Mortgage Banks (Amendment) Bill, 1964.
The Madhya Pradesh Appropriation Bill, 1964.
The Madhya Pradesh Appropriation (No. 2) Bill, 1964.
The Madhya Pradesh General Sales Tax (Amendment) Bill, 1964.
The Madhya Pradesh Entertainment Tax (Amendment) Bill, 1964.
The Madhya Pradesh Nagariya Sthawar Sampati Kar Vidheyak, 1964.
The Madhya Pradesh Motor Vehicles (Taxation of Goods) Amendment Bill, 1964.
The Madhya Pradesh Appropriation (No. 3) Bill, 1964.
The Madhya Pradesh Appropriation (No. 4) Bill, 1964.
The Madhya Pradesh Sales Tax (Second Amendment) Bill, 1964.
The Madhya Pradesh Excise (Amendment and Validation) Bill, 1964.

MADRAS

The Madras Appropriation Bill, 1964.
The Madras Appropriation (No. 2) Bill, 1964.
The Madras Appropriation (No. 3) Bill, 1964.
The Madras General Sales Tax (Amendment) Bill, 1964.
The Land Improvement Loans (Madras Amendment) Bill, 1964.
The Madras Appropriation (No. 4) Bill, 1964.
The Madras Appropriation (No. 5) Bill, 1964.
The Madras General Sales Tax (Second Amedment) Bill, 1965.
The Madras Appropriation (No. 6) Bill, 1964.
The Madras Appropriation (No. 7) Bill, 1964.
The Madras Electricity Duty (Amendment) Bill, 1964.
The Madras Electricity (Taxation on Consumption) Amendment Bill, 1964.
The Madras General Sales Tax (Special Provisions) Bill, 1964.

MYSORE

The Mysore Appropriation Bill, 1964.
The Mysore Appropriation (No. 2) Bill, 1964.
The Mysore Appropriation (No. 3) Bill, 1964.
The Mysore Appropriation (No. 4) Bill, 1964.
The Mysore Sales Tax (Amendment) Bill, 1964.
The Mysore Agricultural Income-Tax (Amendment) Bill, 1964.

ORISSA

The Orissa Appropriation Bill, 1964.
The Orissa Agricultural Income-Tax (Amendment) Bill, 1963.
The Orissa Sales Tax (Amendment) Bill, 1964.
The Orissa Appropriation (No. 2) Bill, 1964.
The Orissa Appropriation (No. 3) Bill, 1964.
The Orissa Limitation (Recovery of Revenue) Bill, 1964.
The Orissa Appropriation (No. 4) Bill, 1964.
The Orissa Motor Spirit Taxation on Sales (Amendment) Bill, 1964.

PUNJAB

The Punjab Appropriation Bill,1964.
The Punjab Professions, Trades, Callings and Employments Taxation (Amendment) Bill, 1964.
The Punjab Appropriation (No. 2) Bill, 1964.
The Punjab Land Revenue Amendment Bill, 1964.
The Punjab Appropriation (No. 3) Bill, 1964.
The Punjab Appropriation (No. 4) Bill, 1964.

RAJASTHAN

The Rajasthan Land Revenue (Amendment) Bill, 1964.
The Rajasthan Entertainments and Advertisement Tax (Amendment) Bill, 1964.
The Rajasthan Appropriation (No. 1) Bill, 1964.
The Rajasthan Appropriation (No. 2) Bill, 1964.
The Rajasthan Appropriation (No. 3) Bill, 1964.
The Rajasthan Appropriation (No. 4) Bill, 1964.
The Rajasthan Taxation Laws (Amendment) Bill, 1964.
The Rajasthan Urban Land Tax Bill, 1964.
The Rajasthan Motor Vehicles Taxation (Amendment) Bill, 1964.
The Rajasthan Land Revenue (Surcharge) (Amendment) Bill, 1964.
The Rajasthan Passengers and Goods Taxation (Amendment) Bill, 1964.

MANIPUR

The Manipur Contingency Fund of the Union Territory (Determination of Amount) Bill, 1964.
The Manipur Appropriation Bill, 1964.
The Manipur Appropriation (No. 2) Bill, 1964.

NAGALAND

The Nagaland Appropriation (No. 1) Bill, 1964.
The Nagaland Appropriation (No. 2) Bill, 1964.
The Nagaland Contingency Fund Bill, 1964.

HIMACHAL PRADESH

The Himachal Pradesh Appropriation Bill, 1964 (Act No. II of 1964)
The Himachal Pradesh Appropriation Bill, 1964 (Act No. V of 1964)
The East Punjab General Sales Tax (Himachal Pradesh Amendment) Bill, 1964.

PONDICHERRY

The Appropriation (No. 1) Bill, 1964.
The Appropriation (No. 2) Bill, 1964.
The Appropriation (No. 3) Bill, 1964.

TRIPURA

The Appropriation Bill 1964 (No. I of 1964)
The Appropriation (Vote on Account) Bill, 1964.
The Appropriation Bill, 1964 (No. 3 of 1964)
The Contingent Fund of the Union Territory of Tripura (Determination of Amount) Bill, 1964.

HEALTH & HOUSING

JAMMU & KASHMIR

A Bill further to amend the Jammu & Kashmir Houses and Shops Rent Control Act, Samvat 2009.

KERALA

The Nurses and Midwives (Amendment) Bill, 1963.
The Kerala Anatomy (Amendment) Bill, 1963.

MADHYA PRADESH

The Madhya Pradesh Corneal Grafting Bill, 1962.
The Madhya Pradesh Homoeopathic and Biochemic Practitioners (Amendment) Bill, 1964.

MADRAS

The Madras Buildings Lease and Rent Control (Amendment) Bill, 1964.
The Madras City Tenants' Protection (Amendment) Bill, 1964.
The Madras Maternity Benefit (Repeal) Bill, 1964.

PUNJAB

The Punjab Maternity Benefit (Repealing) Bill, 1964.

RAJASTHAN

The Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registration Bill, 1964.

HIMACHAL PRADESH

The Himachal Pradesh Corneal Grafting Bill, 1964.

LABOUR AND EMPLOYMENT

MADHYA PRADESH

The Payment of Wages (Madhya Pradesh Amendment) Bill, 1962.

MADRAS

The Madras Compulsory Labour (Amendment) Bill, 1964.

MYSORE

The Mysore Beedi Industrial Premises (Regulation of Conditions of Work) Bill, 1964.
The Mysore Co-operative Societies (Amendment) Bill, 1964.

RAJASTHAN

The Rajasthan Famine Relief Works Employees (Exemption from Labour Laws) Bill, 1964.

PONDICHERRY

The Pondicherry Industrial Establishment (National Festival Holidays) Bill, 1964.
The Pondicherry Catering Establishment Bill, 1964.
The Pondicherry Shops and Establishments Bill, 1964.

LAND & AGRICULTURE

ANDHRA PRADESH

The Andhra Pradesh (Andhra Area) Tenancy (Amendment) Bill, 1964.
The Andhra Pradesh Irrigation (Levy of Betterment Contribution) Amendment Bill, 1964.
The Andhra Pradesh (Andhra Area) Preservation of Private Forests (Amendment) Bill, 1964.
The Andhra Pradesh Splitting up of Joint Pattas Bill, 1964.

BIHAR

The Chota Nagpur Tenancy (Amendment) Bill, 1963.
The Bihar Land Reforms Fixation of Ceiling Area and Acquisition of Surplus Land (Amendment) Bill, 1964.
The Ranchi District 'Tana Bhagat Raiyats' Agricultural Land Restoration (Amendment) Bill, 1964.
The Bihar Tenancy (Amendment) Bill, 1964.
The Bihar Land Reforms (Amendment) Bill, 1964.

GUJARAT

The Gujarat Agricultural Produce Markets Bill, 1963.
The Gujarat Khar Lands Bill, 1963.
The Land Acquisition (Gujarat Unification and Amendment) Bill, 1963.
The Bombay Merged Territories and Areas (Jagir Abolition) (Gujarat Amendment) Bill, 1964.

JAMMU & KASHMIR

A Bill further to amend the Jammu & Kashmir Fisheries Act, Samvat 1960.

KERALA

The Kerala Tenants and Kudikidappukars Protection (Amendment) Bill, 1964.

The Madras Commercial Crops Markets (Amendment and Validation) Bill, 1964.

The Kerala Land Development Bill, 1963.

MADHYA PRADESH

The Madhya Pradesh Irrigation (Validation of Water Rate) Bill, 1964.

MADRAS

The Madras (Added Territories) Extension of Laws Bill, 1964.
The Madras Rinderpest (Amendment) Bill, 1964.
The Madras Occupants of Kudiyiruppu (Protection from Eviction) Amendment Bill, 1964.
The Madras Lease-holds (Abolition and Conversion into Ryotwari) Amendment Bill, 1964.
The Madras (Transferred Territory) Ryotwari Settlement Bill, 1964.
The Kanyakumari Sreepandarvaka Lands (Abolition and Conversion into Ryotwari) Bill, 1964.
The Madras (Transferred Territory) Thiruppuvaram Payment Abolition Bill, 1964.
The Madras Minor Inams (Abolition and Conversion into Ryotwari) Amendment Bill, 1964.
The Madras Bhoodan Yagna (Amendment) Bill, 1964.

MYSORE

The Mysore Tenancy Laws (Amendment) Bill, 1964.
The Mysore Tenants (Temporary Protection from Eviction) (Amendment) Bill, 1964.
The Hyderabad Abolition of Inams (Mysore Amendment) Bill, 1964.

ORISSA

The Orissa Merged Territories (Village Office Abolition) (Amendment) Bill, 1964.
The Orissa Agricultural Year (Amendment) Bill, 1964.

PUNJAB

The Northern India Canal and Drainage (Punjab Amendment) Bill, 1964.
The Punjab Village Common Land (Regulation Amendment) Bill, 1964.
The Punjab Reclamation of Land Amendment Bill, 1964.

RAJASTHAN

Rajasthan Fisheries (Amendment) Bill, 1964.
The Rajasthan Tenancy (Amendment) Bill, 1964.
The Rajasthan Soil and Water Conservation Bill, 1964.

UTTAR PRADESH

The Uttar Pradesh Goshala Vidheyak, 1963.
The Uttar Pradesh Pashudhan Sudhar Vidheyak, 1963.
The Uttar Pradesh Krishi Utpadan Mandi Vidheyak, 1963.

HIMACHAL PRADESH

The Land Acquisition (Himachal Pradesh Amendment) Bill, 1964.

LEGAL

ANDHRA PRADESH

The Code of Criminal Procedure (Andhra Pradesh Amendment) Bill, 1964.
The Andhra Pradesh Gift Goods (Prevention of Unlawful Possession) Bill, 1964.

GUJARAT

The Ahmedabad City Courts (Amendment) Bill, 1964.

The Suits Valuation (Gujarat Extension Amendment) Bill, 1964.

The Probation of Offenders (Gujarat Amendment) Bill, 1964.

JAMMU & KASHMIR

A Bill further to amend the Code of Civil Procedure Samvat 1977.
A Bill further to amend the Limitation Act Samvat 1996.
The Jammu & Kashmir Preventive Detention Bill, 1964.
The Jammu and Kashmir Criminal Law (Amendment) Bill, 1964.
The Jammu and Kashmir Government Servants (Held in Detention) (Amendment) Bill, 1

KERALA

The Kerala Escheats and Forfeitures Bill, 1963.
The Travancore Chitties (Amendment) Bill, 1963.

MADHYA PRADESH

The Court Fees (Madhya Pradesh Amendment) Bill, 1964.
The Madhya Pradesh Land Revenue Code (Amendment) Bill, 1964.

MYSORE

The Mysore (Registration of Documents) Validation Bill, 1964.

ORISSA

The Orissa Court of Wards (Amendment) Bill, 1964.
The Orissa Gift Goods (Unlawful Possession) Bill, 1964.

RAJASTHAN

The Rajasthan Gift Goods (Trade & Unlawful Possession) Bill, 1964.

HIMACHAL PRADESH

The Himachal Pradesh Repealing Bill, 1964.

PARLIAMENTARY AFFAIRS

GUJARAT

The Gujarat Legislative Assembly (Speaker and Deputy Speaker Salaries and Allowances) (Amendment) Bill, 1964.

JAMMU & KASHMIR

A Bill further to amend the Salaries and Allowances of Members of the Jammu & Kashmir State Legislature Act, 1960.

The Salaries and Allowances of Members of the Jammu & Kashmir State Legislature (Second Amendment) Bill, 1964.

MADHYA PRADESH

The Madhya Pradesh Legislative Assembly Members' Salaries and Allowances (Amendment) Bill, 1964.

MADRAS

The Madras Payment of Salaries and Removal of Disqualifications (Amendment) Bill, 1964.

PUNJAB

The Punjab State Legislature (Prevention of Disqualification) Amendment Bill, 1964.

The Legislative Assembly (Allowances of Members) Amendment Bill, 1964.

The Punjab Legislative Council (Allowances of Members) Amendment Bill, 1964.

The Punjab Legislative Assembly Speakers' and Deputy Speakers' Salaries (Amendment) Bill, 1964

The Punjab Legislative Councils Chairman & Deputy Chairman Salaries (Amendment) Bill, 1964.

RAJASTHAN

The Rajasthan Legislative Assembly (Officers & Members Emoluments) (Amendment) Bill, 1964.

MANIPUR

The Manipur Legislative Assembly (Speaker & Deputy Speaker) (Salaries and Allowances) Bill, 1964,

The Manipur Legislative Assembly Members (Salaries & Allowances) Bill, 1964.

NAGALAND

The Nagaland State Legislature Members' (Removal of Diqualifications) Bill, 1964.

The Nagalnd Speaker's Salary and Allowances Bill, 1964.

The Nagaland Legislative Assembly Members' Salaries and Allowances Bill, 1964.

The Nagaland Deputy Speaker's Salary and Allowances Bill, 1964.

The Nagaland Legislative Assembly Members' Salaries and Allowances (Amendment) Bill, 1964.

SOCIAL

GUJARAT

The Gujarat Obsequial Dinners (Control) Bill, 1963.

The Child Marriage Restraint (Gujarat Amendment) Bill, 1963.

The Bombay Prohibition (Gujarat Amendment) Bill, 1963.

The Bombay Prevention of Gambling (Gujarat Amendment) Bill, 1964.

MADRAS

The Madras Cinemas (Regulation) Amendment Bill, 1964.

PUNJAB

The Punjab Dramatic Performances Bill, 1964.

RAJASTHAN

The Dungarpur State Devasthan Nidhi (Amendment) Bill, 1964.

HIMACHAL PRADESH

The Himachal Pradesh Dramatic Peformances Bill, 1964.

PONDICHERRY

The Prevention of Insults to National Honou Bill, 1964.

TRANSPORT AND COMMUNICATIONS

JAMMU & KASHMIR

A Bill further to amend the Jammu & Kashmir Motor Vehicles Act, Samvat 1998.

MADRAS

Madras Hackney Carriage (Amendment) Bill, 1964.
The Motor Vehicles (Madras Amendment) Bill, 1964.

ORISSA

The Orissa Express Highway Bill, 1963.

APPENDIX IV

Ordinances issued during the period 1st January to 31st December, 1964

State	Sl. No.	Subject	Date of promulgation	Date on which laid before the House	Date of cessation	Remarks
1	2	3	4	5	6	7
Union	1.	The Armed Forces (Special Powers) Continuance Ordinance 1964 . . .	2-4-64	3-4-64		Replaced by legislation.
	2.	The Companies (Amendment) Ordinance, 1964 . . .	5-7-64	7-9-64		Do.
	3.	The Essential Commodities (Amendment) Ordinance, 1964.	5-11-64	1-12-64		Do.
Andhra Pradesh	1.	The Andhra Pradesh Gram Panchayats (Amendment) Ordinance, 1964	26-5-64	27-6-64		Do.
	2.	The Andhra Pradesh Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1964.	26-5-64	27-6-64		Do.
Bihar .	1.	The Bihar Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1964 . .	2-1-64	12-2-64	25-3-64	Do.
	2.	The Bihar Tenancy (Amendment) Ordinance, 1964 .	15-10-64	9-12-64	19-1-65	Do.
	3.	The Bihar Land Reforms (Amendment) Ordinance, 1964 .	15-10-64	9-12-64	19-12-64	Do.
Gujarat . .		The Bombay Merged Territories and Areas (Jagirs Abolition) (Amendment) Ordinance, 1964..	31-7-64	25-8-64		Replaced by legislation.
Jammu & Kashmir	1.	Jammu & Kashmir Preventive Detention Ordinance, 1964 .	8-5-64	9-10-64	8-5-65	Do.
	2.	Jammu & Kashmir Criminal Law (Amendment) Ordinance, 1964	8-5-64	8-10-64	8-5-65	Do.
	3.	Jammu & Kashmir (Held in Detention) (Amendment) Ordinance, 1964	1-7-64	9-10-64		Do.

1	2	3	4	5	6	7
Kerala . .	1.	The Luxury Tax on Tobacco (Validation) Ordinance, 1963 .	15-12-63	28-1-64		Replaced by Legislation
	2.	The Trivandrum City Municipal (Amendment) Ordinance, 1963	30-12-63	28-1-64		Do.
	3.	The Madras Commercial Corps Markets (Amendment and Validation) Ordinance, 1963 . .	31-12-63	29-1-64		Do.
	4.	The Kerala Tenants & Kudikidappukars Protection (Amendment) Ordinance, 1963 . .	31-12-63	28-1-64		Do.
	5.	The General Sales Tax (Validation) Ordinance, 1964 . .	1-1-64	28-1-64		Do.
Madhya Pradesh	1.	The Madhya Pradesh Motor Vehicles Taxation (Amendment) Ordinance, 1964 . . .	21-1-64	6-2-64		Do.
	2.	The Madhya Pradesh Maternity Benefit Repealing Ordinance 1964	28-1-64	6-2-64	18-3-64	Do.
	3.	The Madhya Pradesh Land Revenue Code (Amendment) Ordinance, 1964 . . .	23-4-64	25-8-64		Do.
	4.	The Madhya Pradesh Excise (Amendment & Validation) Ordinance 1964 . . .	13-5-64	25-8-64		Do.
	5.	The Madhya Pradesh Koyala Upkar (Manyatakaran) Adhyadesh 1964	20-5-64	25-8-64		Do.
	6.	The Madhya Pradesh Public Trusts (Amendment & Validation) Ordinance, 1964 . . .	10-7-64	25-8-64		Do.
	7.	The University of Saugar (Amendment) Ordinance, 1964 .	20-7-64	25-8-64		Do.
	8.	The Madhya Pradesh Homoeopathic and Biochemic Practitioners (Amendment) Ordinance 1964 . . .	30-7-64	25-8-64		Do.
	9.	The Madhya Pradesh Indira Kala Sangit Vishwa Vaidyalaya (Amendment) Ordinance 1964.	19-9-64	9-2-65		Do.
	10.	The Madhya Pradesh University Laws (Amendment) Ordinance, 1964	24-9-64	9-2-65		Do.
	11.	The Indian Forest (Madhya Pradesh Amendment) Ordinance, 1964	22-10-64	9-2-65		Do.

1	2	3	4	5	6	7
	12.	The Madhya Pradesh Panchayats (Amendment and Validation) Ordinance, 1964 . . .	5-11-65	9-2-65		Replaced by Legislation.
	13.	The Jawaharlal Nehru Krishi Vishwa Vidyalaya (Amendment) Ordinance, 1964 . . .	13-12-64	9-2-65		Do.
	14.	The Madhya Pradesh Accommodation Control (Amendment) Ordinance, 1964 . . .	29-12-64	9-2-65		Do.
Madras . .	1.	The Madras General Sales Tax (Special Provisions) Amendment Ordinance, 1964 . .	5-9-64	(A) 15-9-64 (C) 19-10-64	21-11-64	Do.
	2.	The Madras Contingency Fund (Amendment) Ordinance, 1964.	27-10-64	(A) 20-11-64 (C) 19-1-65	25-1-65	Do.
Mysore . .	1.	The Mysore Contingency Fund (Temporary Amendment) Ordinance, 1964	27-11-64	15-1-65	26-2-65	..
	2.	The Bangalore University (Amendment) Ordinance, 1964 .	22-12-64	15-1-65	26-2-65	Do.
Orissa . .	1.	The Orissa Offices of Village Police (Abolition) Ordinance, 1963	2-12-63	18-2-64	4-7-64	Do.
	2.	The Orissa Sales Tax (Amendment) Ordinance, 1964 . .	20-1-64	25-2-64	14-4-64	Do.
Punjab . .	1.	The Punjab Khadi and Village Industries Board (Amendment) Ordinance, 1964 . . .	16-7-64	15-9-64	25-10-64	Do.
	2.	The Punjab Panchayat Samitis and Zila Parishads (Amendment) Ordinance, 1964. . . .	17-8-64	15-9-64	26-10-64	
	3.	The Punjab Cooperative Societies (Amendment) Ordinance, 1964.	6-11-64			
	4.	The Punjab Panchayat Samitis and Zila Parishads (Second (Amendmet) Ordinance, 1964 .	10-11-64			
Rajasthan . .	1.	The Rajasthan Entertainments and Advertisements Tax (Amendment) Ordinance, 1963 .	22-10-63	21-2-64		Replaced by legislation.
	2.	The Jodhpur University (Amendment) Ordinance, 1963.	23-10-63	21-2-64		Do.
	3.	The Rajasthan Panchayat Samitis and Zilla Parishads (Amendment) Ordinance, 1963 . .	19-12-63	21-2-64		Do.

1	2	3	4	5	6	7
		4. The Rajasthan Panchayat Samitis and Zilla Parishads (Second Amendment) Ordinane, 1964 .	29-12-63	21-2-64		Replaced by legislation
		5. The Rajasthan Land Revenue (Amendment) Ordinance, 1964.	8-1-64	21-2-64		Do.
		6. The Rajashtan Nurses, Midwives, Health Visitors and Auxiliary Nurse-Midwives Registration Ordinance, 1964	8-1-64	21-2-64		Do.
		7. The University of Rajasthan (Validation of the Reconstituted Authorities) Ordinance, 1964 .	4-2-64	21-2-64		Do.
		8. The Rajasthan Passengers and Goods Taxation (Validation) Ordinance, 1964 . . .	15-5-64	4-8-64		Do.
		9. The Rajasthan Panchayat (Amendment) Ordinance, 1964 .	3-7-64	4-8-64		Do.
		10. The Rajasthan Panchayat Samitis and Zila Parishads (Amendment) Oridnance, 1964 . .	3-7-64	4-8-64		Do.
		11. The Rajasthan Famine Relief Works (Employees (Exemption from Labour Laws) Ordinance, 1964	8-7-64	4-8-64		Do.
Uttar Pradesh .		1. Uttar Pradesh Sri Badrinath Temple (Sanshodhan) Adhyadesh 1964	5-1-64	3-2-64	13-3-64	Do.
		2. Uttar Pradesh Control of Supplies (Temporary Powers) (Sanshodhan) Adhyadesh, 1964 . .	25-1-64	3-2-64	12-3-64	Do.
		3. Uttar Pradesh Sthaniya Nikaya (Alpakalik Vyavastha) (Sanshodhan) Adhyadesh, 1964 . .	27-6-64	(A) 29-7-64 (C) 4-8-64	24-8-64	Do.
		4. Uttar Pradesh Hindu Public Religious Institutions (Prevention of Dissipation of Properties) (Temporary Powers) (Amendment) Adhyadesh, 1964 . .	14-12-64	8-2-65		
		5. Uttar Pradesh Roadside Land Control (Sanshodhan) Adhyadesh, 1964 . . .	10-12-64	8-2-65		
		6. Uttar Pradesh Municipalities (Amendment) Ordinance, 1964)	15-12-64	8-2-65		
		7. Uttar Pradesh Sthaniya Nikaya (Alpakalik Vyavastha) (Dwitiya Sanshodhan) Adhyadesh, 1964	29-12-64	8-2-65		

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